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PUBLIC DOCUMENT.

No. 3.

North Dakota Public Service Commission

SECOND ANNUAL REPORT

4

OF THE

COMMISSIONERS OF RAILROADS

TO THE

GOVERNOR OF NORTH DAKOTA,

FOR THE

YEAR ENDING DECEMBER 31, 1891.

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STATE OF NORTH DAKOTA.

OFFICE OF COMMISSIONERS OF RAILROADS, }
BISMARCK, December 31, 1891. }

TO THE HONORABLE ANDREW H. BURKE,

Governor of the State of North Dakota.

SIR: In compliance with Section 18, Chapter 122, Session Laws of 1890, being "An act to regulate common carriers, and defining the duties of the Commissioners of Railroads in relation thereto, in the State of North Dakota," we respectfully submit herewith the Second Annual Report of the Commissioners of Railroads of the State of North Dakota for the year ending December 31, 1891, with detailed reports from the various railway companies operating lines of railway in this State.

The duties imposed by law upon the Commissioners of Railroads of this State are varied and numerous; and while the Commissioners have accomplished some things of which they may speak with gratification, changes are expected and improvements demanded by the public which, under the existing laws of the State, are impossible. That every resident and citizen of the State of North Dakota is deeply interested and concerned in the railway interests of the State, is so plain and patent that it would seem to be unnecessary to urge the Legislature, which is supposed to represent the great farming interests of the State, to so amend the law that the Commissioners may more fully represent the interests of both the people and the railway companies, and accomplish results which may lead to a better understanding and more satisfactory feeling between the railway companies and the people. All the property in the State, every farm, every business house, every improvement, and all that pertains to the material interest, welfare and prosperity of the masses, is dependent, to a very large degree, upon the railways, and it is imperative that the law should be so amended and equalized that it will advance the interests of the farmer, the merchant and the railway company; that it will, in fact as well as in theory, protect the interests of all, and prevent unjust discrimination of the one against the other. In all

countries and in all climes, the railway is the great factor of civilization and development, and nowhere is it more so than in the State of North Dakota. With the vast unoccupied public domain within the borders of the State, millions of acres of the most fertile and productive land in the world awaiting settlement and still unproductive, this State, which a few short years ago was considered a barren wilderness, produced in one cereal alone (wheat) 64,000,000 bushels, and this is an under-estimate of the crop of 1891. With numerous commercial centers springing up in every section of the State, it is indeed important and essential that the laws regulating railway corporations should be so framed as to guard the interests of both the people and the railway companies, and as nearly as possible to deal out even-handed justice to the farmer, the merchant and the railway corporation, for the one is just as necessary to the welfare and prosperity of the State as the other.

Although the fact is apparent that the Commissioners of Railroads have not the power necessary to the satisfactory adjustment of the differences that arise from time to time between the railway companies and their patrons, they have given all complaints, applications and petitions for improvements and betterments a careful and thorough investigation and consideration, and in some cases their requests have been promptly complied with by the railway managers. Remaining as they have, in many cases, an advisory board, without the power of final judgment or of enforcing their decrees and orders, they have met with some success in the adjustment of the matters in difference which they have been called upon to consider and investigate. In nearly all cases where the Commissioners have, after careful consideration and investigation, made a request or demand that a wrong be righted, the railway companies have been prompt to acknowledge their error and right the wrong, and although many complaints have been made over which the Commissioners of Railroads have no jurisdiction, the majority have been such as to command careful investigation and sometimes decisive action.

In submitting this report, the Commissioners of Railroads desire to call your attention, and that of the Legislature next ensuing, to the fact that under the provisions of Section 5 of Chapter 126 of the Session Laws of 1891, being an act entitled "An act to regulate grain warehouses and the weighing and handling of grain, and defining the duties of the Railroad Commissioners in relation thereto," the proprietors or lessees or managers of all public warehouses or elevators in this State shall file a bond in the office of the Commissioners of Railroads of the State, to the State of North Dakota, with good and sufficient sureties, to be approved by said Commissioners of Railroads, and that provision is further made by Rule V of the "Rules and Regulations for the Inspection of Grain and Government of Public Warehouses of the State of

North Dakota," adopted by the Commissioners of Railroads August 1, 1891. Out of all the public warehouses and elevators doing business in the State of North Dakota, a full list of which will be hereinafter given, only three have filed a bond in the office of the Commissioners of Railroads, in compliance with the provisions of said act; all of the remainder of these public warehouses and elevators doing business in this State are doing so in open and bold defiance of the law. The proper regulation of these public warehouses and elevators in the State of North Dakota, is second in importance only to the proper regulation of the railway lines in the State, and in many instances it is the paramount and chief issue and the greatest source of trouble and irritation in the State. Of the complaints, petitions and applications, and adjustments and recommendations made thereon, the report will hereinafter treat specifically.

Among the items of information required by law to be embodied in this report, and which will be found in the complete tables compiled, are the following concerning each railway company doing business in the State:

The amount of capital stock.

The amount of preferred stock.

The amount of funded indebtedness.

The amount of current liabilities and assets.

The cost of road and equipment.

The schedule of property owned.

The mileage owned.

The mileage operated.

The passenger and freight and train mileage.

The description of equipment.

The consumption of fuel by locomotives.

The renewals of rails and ties.

The accidents to persons.

The characteristics of road.

The car mileage.

Employes and salaries.

Contracts, agreements, etc., affecting business in the State of North Dakota.

Important changes during the year.

Operating expenses.

The history of the road.

The organization.

The list of officers of each road, giving name, office and place of residence, and a general statement of the transportation business of each road.

All of which is respectfully submitted, and we remain, very respectfully,

Your obedient servants,

GEO. H. WALSH,
Chairman;
GEO. W. HARMON,
ANDREW SLOTTEN,
Commissioners.

Attest:

M. J. EDGERLEY,
Secretary.

REPORT OF THE

COMMISSIONERS OF RAILROADS

OF THE STATE OF NORTH DAKOTA.

RAILROADS OF THE UNITED STATES IN 1890—GENERAL EXHIBIT FOR THE FISCAL YEAR.

Length of track laid up to December 31, 1890, 166,817.41 miles.
 Of which, were completed up to the close of the fiscal year
 of the respective companies, 163,420.34 miles.
 Completed since close of their fiscal year, 3,397.07 miles.
 Net increase of mileage in the calendar year 1890, 5,498.38
 miles.
 Net increase of mileage in the fiscal year 1890, 3,426.56 miles.
 Liabilities and assets of the companies owning the above
 163,420.34 miles of line:

LIABILITIES.

Capital stock.....	\$ 4,640,239,578
Funded debt	5,105,902,025
Unfunded debt	376,494,297
Current debt	271,145,220
Total liabilities.....	\$10,393,781,120

ASSETS.

Cost of railroads and equipment.....	\$ 8,789,221,516
Real estate stocks, bonds and other investments..	1,480,560,658
Cash, bills receivable, current accounts, etc.....	428,085,065
Total assets.....	\$10,697,817,239
Excess of assets over liabilities.....	\$ 304,036,119
Excess of assets in various states.....	\$414,020,603
Excess of liabilities in various states	109 984,484
	\$ 304,036,119

Total mileage of railroads completed at close of fiscal year, 163,420.34 miles, of which full statistics of operations were received from 157,976.46 miles.

Mileage of roads not reporting earnings, etc., consisting chiefly of new roads not yet brought into full operation, *5,443.88 miles.

Miles of railroad operated, 157,976.46 miles.

Passenger train mileage	297,244,707
Freight train mileage.....	482,900,422
Mixed train mileage.....	13,780,016
Total train mileage.....	793,925,145
Passengers carried.....	520,439,062
Passengers, mileage.....	12,521,565,649
Tons of freight moved.....	701,344,437
Tons of freight moved one mile.....	79,192,985,125
Earnings—Passenger.....	\$ 273,244,707
Freight.....	740,374,844
Other	72,000,924
Total.....	\$1,086,040,207
Operating expenses	744,373,838
Net earnings.....	\$ 341,666,369
†Other receipts, including rentals received by lesser companies.	113,731,846
Total available revenue	\$ 455,398,215
Payments from available revenue—	
Interest on bonds.....	\$ 220,222,788
Other interest	6,576,894
Dividends	82,303,616
†Rentals, tolls, etc	59,129,924
Miscellaneous	35,174,333
Total.....	\$ 403,407,555
Balance, excess of available revenue over actual payments therefrom for the year.....	\$ 51,990,660

*In 1890, the greater portion of the new mileage was built in the last six months of the year, and consequently had not been brought into operation until the year 1891.

†In all cases where the operations of leased railroads are separately reported, the lessors' income accounts have been omitted, a duplication of amounts under these heads being thereby avoided.

For the foregoing statistics we are indebted to Poor's Manual of Railroads for 1891.

REPORTS OF COMPANIES.

Reports have been received from the six companies operating lines of railway and doing business in the State of North Dakota, as follows:

Northern Pacific.

Great Northern.

St. Paul, Minneapolis & Manitoba.

Minneapolis, St. Paul & Sault Ste. Marie.

Chicago, Milwaukee & St. Paul.

Chicago & Northwestern.

We would call attention to the fact that all the lines of railway owned and operated by the St. Paul, Minneapolis & Manitoba railway company, which included the main line, branches and spurs of that company, represented by capital stock, together with the Wilmar & Sioux Falls railway and the Duluth, Watertown & Pacific railway, whose entire capital stock was owned by the St. Paul, Minneapolis & Manitoba railway company, and the Montana Central railway line, which was operated under a lease to the St. Paul, Minneapolis and Manitoba railway company, were on the 1st day of February, 1890, leased to the Great Northern for a period of 999 years; the Great Northern railway company agreeing to pay as rental for the use of such lines of railway, interest on the bonded debt of the said St. Paul, Minneapolis & Manitoba railway company and 6 per cent. dividend on the capital stock of this company, together with the expense of maintaining its organization, which is required to be kept up under its charter.

The total mileage operated by the several railway companies reporting, whose lines are partly within the State, are as follows:

Name of Company.	Miles.
Northern Pacific Railroad company.....	5,099.50
Great Northern Railway company.....	3,299.98
Minneapolis, St. Paul & Sault Ste. Marie Railway company.....	897.03
Chicago, Milwaukee & St. Paul Railway company.....	7,048.97
Chicago & Northwestern Railway company.....	5,590.87
Total mileage operated by railway companies reporting.....	21,936.35
Total mileage reported for year 1890.....	21,049.90
Increase during year ending June 30, 1891.....	886.45

Which increase is divided among the different railway companies reporting as follows:

Name of Company.	Miles.
Northern Pacific Railroad company	368.69
Great Northern Railway company	103.49
Minneapolis, St. Paul and Sault Ste. Marie Railway company	91.68
Chicago, Milwaukee & St. Paul Railway company	147.78
Chicago & Northwestern Railway company	174.81

The mileage of the railway companies in the State of North Dakota is divided among the several companies as follows:

Name of Company.	Miles.
Northern Pacific Railroad company	866.73
Great Northern Railway company	1,029.63
Minneapolis, St. Paul & Sault Ste. Marie Railway company	100.14
Chicago, Milwaukee & St. Paul Railway company	118.21
Chicago & Northwestern Railway company	14.28

Total mileage in the State 2,128.99
 Increase of mileage in the State during year ending June 30, 1891... 44.25

Which is divided among the different railway companies as follows:

Name of Company.	Miles.
Northern Pacific Railroad company	11.53
Great Northern Railway company	31.71
Minneapolis, St. Paul & Sault Ste. Marie Railway company	1.01

The capital stock of the different companies is reported by them as follows:

Name of Company.	Capital Stock.	Amount authorized to be issued.	Amount issued and outstanding.
Northern Pacific Railroad company and branch lines owned	Common, Preferred,	49,000,000.00 51,000,000.00 100,000,000.00	49,000,000.00 36,658,612.45 85,658,612.45
Total	Common,	15,028,600.00	15,028,600.00
Branch lines operated, but not owned			
Total		115,028,600.00	100,687,212.45
Great Northern Railway company.	Common, Preferred,	20,000,000.00 20,000,000.00	..... 20,000,000.00
Total		40,000,000.00	20,000,000.00
Minneapolis, St. Paul & Sault Ste. Marie Railway company	Common, Preferred,	14,000,000.00 7,000,000.00	14,000,000.00 7,000,000.00
Total		21,000,000.00	21,000,000.00
Chicago, Milwaukee & St. Paul Railway company	Common, Preferred,	Not fixed, Not fixed,	46,027,261.00 22,198,900.00
Total .....		.....	68,226,161.00
Chicago & Northwestern Railway company	Common, Preferred,	44,187,365.97 22,335,454.56	44,187,365.97 22,335,454.56
Total		66,522,820.53	66,522,820.53

The grand total amount of capital stock of all the railway companies operating lines in the State of North Dakota, is as follows:

Amount authorized to be issued—	
Common	\$ 173,214,626.97
Preferred	122,534,354.56
Total	\$ 295,748,981.53
Amount issued and outstanding—	
Common	\$ 168,243,226.97
Preferred	108,192,967.01
Total	\$ 276,436,193.98

The funded indebtedness of the different railway companies operating lines of railway in this State for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company—	
Mortgage bonds	\$ 121,951,500.00
Miscellaneous obligations	3,000,000.00
Funded debt of branch lines operated but not owned.	23,022,000.00
Total	\$ 147,973,500.00
Great Northern Railway company—	
No funded debt, but this company has assumed the payment of the interest due on the funded debt of the St. Paul, Minneapolis & Manitoba Railway company, amounting to	
	\$ 53,129,000.00
Minneapolis, St. Paul & Sault Ste. Marie Railway company—	
Mortgage bonds	\$ 20,215,000.00
Miscellaneous obligations	125,218.56
Income certificates	771,000.00
Total	\$ 21,111,218.56
Chicago, Milwaukee & St. Paul Railway company—	
Mortgage bonds	\$122,759,000.00
Miscellaneous obligations	4,998,000.00
Income bonds	2,040,000.00
Total	\$129,797,000.00
Chicago & Northwestern Railway company—	
Mortgage bonds	\$ 60,753,500.00
Miscellaneous obligations	32,817,000.00
Debenture bonds	19,000,000.00
Total	\$112,570,500.00

The current liabilities of the different railway companies operating lines of railway in this State for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	\$ 1,005,029.07
Chicago & Northwestern Railway company	2,550,446.22
Total	\$ 3,555,475.29

Total stock and debt of all railway companies operating lines in this State on the 30th day of June, 1891:

Stock.....	\$276,436,193.98
Funded debt.....	464,579,218.56
Current liabilities.....	3,550,858.76
Grand total.....	\$744,566,271.20

The stock of each company operating railways in this State, per mile of railway operated, is as follows:

Name of Company.	Stock per mile.
Northern Pacific Railroad company	\$ 26,168.64
Great Northern Railway company leased lines of the St. Paul, Minneapolis & Manitoba Railway company.....	7,015.67
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	26,638.59
Chicago, Milwaukee & St. Paul Railway company	11,964.67
Chicago & Northwestern Railway company.....	15,512.93

The funded debt of each company operating lines of railway in this State, per mile of railway in operation, is as follows:

Name of Company.	Funded debt per mile.
Northern Pacific Railroad company.....	\$ 38,172.60
Great Northern Railway company leased lines of the St. Paul, Minneapolis & Manitoba Railway company.....	18,636.79
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	26,779.67
Chicago, Milwaukee & St. Paul Railway company	22,762.16
Chicago & Northwestern Railway company.....	26,344.17

The total stock and funded debt and current liabilities of railway companies operating lines in this State, reported up to June 30, 1891, per mile of railway operated, is as follows:

Name of Company.	Stock, debt and liabilities per mile.
Northern Pacific Railroad company	\$ 64,841.24
Great Northern Railway company leased lines of the St. Paul, Minneapolis & Manitoba Railway company.....	25,654.46
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	54,693.14
Chicago, Milwaukee & St. Paul Railway company	34,726.83
Chicago & Northwestern Railway company.....	42,453.97

The grand total cost of construction, equipment and permanent improvements of each railway company operating railways in the State is reported up to June 30, 1891, as follows:

Name of Company.	Amount.
Northern Pacific Railroad company.....	\$193,811,595.60
Great Northern Railway company	65,359.82
St. Paul, Minneapolis & Manitoba Railway company, leased to Great Northern Railway company	79,041,828.52
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	86,390,315.65
Chicago, Milwaukee & St. Paul Railway company	189,624,727.91
Chicago & Northwestern Railway company.....	159,282,750.82

The grand total cost of construction, equipment and permanent improvements of each railway company operating railways in this State, of that portion of their lines within the State of North Dakota:

Name of Company.	Amount.
*Northern Pacific Railroad company	\$
*Great Northern Railway company leased lines of the St. Paul, Minneapolis & Manitoba Railway company .....	.....
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	3,912,850.23.
†Chicago, Milwaukee & St. Paul Railway company	3,906,269.89.
†Chicago & Northwestern Railway company	531,391.60.

The number of passengers carried by each railway company during the year ending June 30, 1891, on the entire line, was as follows:

Name of Company.	Number.
Northern Pacific Railroad company	8,112,122.
Great Northern Railway company	1,995,515
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	320,554.
Chicago, Milwaukee & St. Paul Railway company	7,919,229.
Chicago & Northwestern Railway company	13,853,379.

The amount of passenger earnings by each railway company, for the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company	\$ 6,443,633.49.
Great Northern Railway company	1,876,960.18.
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	428,374.47
Chicago, Milwaukee & St. Paul Railway company	6,323,267.82.
Chicago & Northwestern Railway company	6,845,761.60.

The number of tons of freight carried by each railway company, for the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	No. of tons.
Northern Pacific Railroad company	4,388,819.
Great Northern Railway company	2,280,382.
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	1,102,333.
Chicago, Milwaukee & St. Paul Railway company	10,397,035.
Chicago & Northwestern Railway company	13,547,496.

The amount of freight earnings by each railway company, for the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company	\$ 17,388,954.97.
Great Northern Railway company	7,623,010.71.
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	1,449,750.35.
Chicago, Milwaukee & St. Paul Railway company	19,012,159.12.
Chicago & Northwestern Railway company	19,980,909.85.

*Not reported by company.

†Proportioned on basis of miles of road.

The amount of gross earnings from operations by each railway company for the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company.....	\$ 25,398,999.20
Great Northern Railway company	10,324,411.13
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	2,013,651.34
Chicago, Milwaukee & St. Paul Railway company.....	27,629,794.18
Chicago & Northwestern Railway company	28,060,517.95

The gross earnings per mile of road operated by each railway company, for the year ending June 30, 1891, is as follows:

Name of Company.	Gross earnings per mile.
Northern Pacific Railroad company.....	\$ 6,015.53
Great Northern Railway company	8,670.02
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	2,492.75
Chicago, Milwaukee & St. Paul Railway company.....	4,845.37
Chicago & Northwestern Railway company	6,573.18

The number of passengers carried by each railway company, in the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	No. passengers.
Northern Pacific Railroad company.....	272,093
Great Northern Railway company	325,843
Minneapolis, St. Paul & Sault Ste. Marie Railway company.....	4,490
*Chicago, Milwaukee & St. Paul Railway company.....	180,065
Chicago & Northwestern Railway company	5,778

The number of tons freight carried by each railway company in the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	No. tons.
Northern Pacific Railroad company	1,048,671
Great Northern Railway company	1,001,228
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	22,496
*Chicago, Milwaukee & St. Paul Railway company	214,178
Chicago & Northwestern Railway company	5,682

The gross earnings for each railway company for the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company.....	\$ 4,077,008.88
Great Northern Railway company	2,657,230.20
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	25,496.69
*Chicago, Milwaukee & St. Paul Railway company.....	569,173.86
Chicago & Northwestern Railway company	6,447.16

The gross earnings per mile of road operated by each railway company in the State of North Dakota, for the year ending June 30, 1891, is as follows:

*Proportioned according to miles of road.

Name of Company.	Gross earnings per mile.
Northern Pacific Railroad company.....	\$ 4,739.60
Great Northern Railway company.....	2,607.57
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	257.10
*Chicago, Milwaukee & St. Paul Railway company.....	4,845.37
Chicago & Northwestern Railway company.....	451.48

The total expense of operating and maintaining each of the several lines of railway for the entire line of each railway company, for the year ending June 30, 1891, is as follows:

Name of Company.	Expenses.
Northern Pacific Railroad company.....	\$ 15,050,013.72
Great Northern Railway company.....	5,219,864.19
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	1,404,053.53
Chicago, Milwaukee & St. Paul Railway company.....	17,634,163.23
Chicago & Northwestern Railway company.....	17,633,036.00

The percentage of expense of operating and maintaining the several lines of railway, to their gross earnings on entire line, for the year ending June 30, 1891, is as follows:

Name of Company.	Per cent.
Northern Pacific Railroad company.....	59.25
Great Northern Railway company.....	50.00
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	69.72
Chicago, Milwaukee & St. Paul Railway company.....	63.82
Chicago & Northwestern Railway company.....	62.77

The total expense of operating and maintaining the several railway lines, within the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	Expense.
Northern Pacific Railroad company.....	\$ 2,463,366.85
Great Northern Railway company.....	1,415,590.79
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	28,174.99
*Chicago, Milwaukee & St. Paul Railway company.....	363,263.76
*Chicago & Northwestern Railway company.....	58,927.18

The percentage of expense of operating and maintaining the several railway lines, to their gross earnings, in the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	Per cent.
Northern Pacific Railroad company.....	60.42
Great Northern Railway company.....	53.27
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	110.55
Chicago, Milwaukee & St. Paul Railway company.....	84.84
†Chicago & Northwestern Railway company.....	.....

The number of passengers carried one mile by each railway company, for the entire line of such company, for the year ending June 30, 1891, is as follows:

*Proportioned according to mileage.

†Not reported by company.

Name of Company.	No. Passengers.
Northern Pacific Railroad company	244,321,201
Great Northern Railway company	82,327,486
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	19,760,159
Chicago, Milwaukee & St. Paul Railway company	262,551,100
Chicago & Northwestern Railway company	311,054,319

The number of tons of freight carried one mile by each railway company, for the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	No. tons.
Northern Pacific Railroad company	1,258,266,789
Great Northern Railway company	616,286,817
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	204,139,950
Chicago, Milwaukee & St. Paul Railway company	1,895,635,111
Chicago & Northwestern Railway company	1,944,564,945

The average amount of compensation received, per ton per mile, for transportation by the several railway companies reporting, for the year ending June 30, 1891, is as follows:

Name of Company.	Per ton per mile.
Northern Pacific Railroad company	1.382 cents
Great Northern Railway company	1.238 cents
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	.726 cents
Chicago, Milwaukee & St. Paul Railway company	1.003 cents
Chicago & Northwestern Railway company	1.028 cents

The average cost of transporting freight, per ton per mile, by the several railway companies reporting, for the year ending June 30, 1891, is estimated as follows:

Name of Company.	Cost per ton per mile.
Northern Pacific Railroad company .....	.828 cents
Great Northern Railway company .....	.524 cents
Minneapolis, St. Paul & Sault Ste. Marie Railway company...	.460 cents
Chicago, Milwaukee & St. Paul Railway company .....	.630 cents
Chicago & Northwestern Railway company .....	.619 cents

Accidents during the year ending June 30, 1891, on the railroads reporting, in the State of North Dakota:

Number of passengers injured, but not killed	7
Number of passengers killed	0
Number of trainmen injured, but not killed	32
Number of trainmen killed	0
Number of switchmen and flagmen injured, but not killed	16
Number of switchmen and flagmen killed	0
Number of other employes injured, but not killed	53
Number of other employes killed	3
Number of trespassers injured, but not killed	7
Number of trespassers killed	4
Number of others injured, but not killed	4
Number of others killed	0

Total casualties

126

Total injured, but not killed

119

Total killed

7

The number of employees of the several railway companies reporting, on the entire line of such company, for the year ending June 30, 1891, is as follows:

Name of Company.	Number.
Northern Pacific Railroad company (not reported by company).....	.....
Great Northern Railway company	5,962
Minneapolis, St. Paul & Sault Ste. Marie Railway company.....	1,489
Chicago, Milwaukee & St. Paul Railway company.....	19,854
Chicago & Northwestern Railway company	18,991
Total employees (exclusive of the Northern Pacific).....	46,286

The number of employees of the several railway companies, in the State of North Dakota, as reported for the year ending June 30, 1891, is as follows:

Name of Company.	Number.
Northern Pacific Railroad company.....	1,636
Great Northern Railway company	977
Minneapolis, St. Paul & Sault Ste. Marie Railway company.....	41
Chicago, Milwaukee & St. Paul Railway company.....	409
Chicago & Northwestern Railway company	12
Total employees in State of North Dakota.....	3,075

The total amount of salaries and wages paid employes by the several railway companies, on their entire line, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company (not reported by the company).....	\$
Great Northern Railway company	3,468,374.66
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	847,558.65
Chicago, Milwaukee & St. Paul Railway company.....	12,463,862.94
Chicago & Northwestern Railway company.....	11,743,006.18
Total amount of salaries paid (exclusive of the Northern Pacific Railroad company).....	\$28,522,301.38

The total amount of salaries and wages paid employes of the several railway companies reporting, in the State of North Dakota, for the year ending June 30, 1891, is as follows:

Name of Company.	Amount.
Northern Pacific Railroad company.....	\$ 1,140,133.92
Great Northern Railway company.....	523,364.10
Minneapolis, St. Paul & Sault Ste. Marie Railway company....	22,942.90
Chicago, Milwaukee & St. Paul Railway company.....	245,974.53
Chicago & Northwestern Railway company	4,980.75
Total amount of salaries and wages paid in the State of North Dakota	\$ 1,937,346.20

There has been built in the State of North Dakota, and put in operation during the year ending June 30, 1891, as reported by the Northern Pacific Railroad company, an extension of the South-eastern Dakota Railroad to Bayne, in the county of Richland, 4.94

miles long; and as reported by the Great Northern Railway company, the Pembina Mountain branch from Grafton to Cavalier, in Pembina county, North Dakota, 31.71 miles; and since that time and before the 31st day of December, 1891, the Great Northern Railway company has built from the Red River west to Alton Junction about 12 miles; and the Minneapolis, St. Paul and Sault Ste. Marie Railway company has extended its road northwesterly from Hankinson to Valley City, a distance of about 81 miles, and westerly from Boynton to Merricourt, a distance of about 11 miles.

NORTHERN PACIFIC RAILROAD.

The Commissioners made their annual visit and inspection of the main lines and branches of the Northern Pacific Railroad, pursuant to the provisions of Section 10, Chapter 122, of the Session Laws of 1890, after giving due notice thereof, in the following order:

Davenport and Leonard, in the county of Cass; Sheldon, Lisbon and Marshall, in the county of Ransom; Oakes, in the county of Dickey; Valley Junction, LaMoure, Edgeley, Grand Rapids, Dickey and Adrian, in the county of LaMoure, and Montpelier, in the county of Stutsman, on the 3d day of June.

Medora, in the county of Billings; Belfield and Dickinson, in the county of Stark, on the 4th day of June.

Gladstone, Taylor and Richardton, in the county of Stark; Hebron, Glen Ullen, Sims, New Salem and Mandan, in the county of Morton, and Bismarck, in the county of Burleigh, on the 5th day of June.

Menoken and Sterling, in the county of Burleigh; Steele, Dawson, Tappen and Crystal Springs, in the county of Kidder; Medina, Windsor, Eldridge, Jamestown and Pingree, in the county of Stutsman; Melville and Carrington, in the county of Foster; Sykeston, in the county of Wells, on the 6th day of June.

New Rockford, in the county of Eddy; Oberon, Minnewaukan and Leeds, in the county of Benson; Spiritwood, in the county of Stutsman; Eckelson and Dazey, in the county of Barnes; and Cooperstown, in the county of Griggs, on the 7th day of June.

Sanborn, Valley City and Oriska, in the county of Barnes; Tower City, Buffalo, Wheatland, Casselton, Mapleton and Fargo, in the county of Cass; and Grand Forks, in the county of Grand Forks, on the 8th day of June.

Meckinock, Gilby and Johnston, in the county of Grand Forks; Forest River and Grafton, in the county of Walsh, and Drayton and Pembina, in the county of Pembina, on the 9th day of June.

Milnor, in the county of Sargent, and Wyndmere, Mooreton, Farmington and Wahpeton, in the county of Richland, on the 10th day of June, 1891.

The main line of this road in this State, from the Red River at Fargo to the Montana state line, a distance of about 377 miles, of which 5 miles is double tracked, from Fargo to Haggart, the tracks are laid with steel rails, 66 pounds per yard weight, and the roadbed is well ballasted with gravel, both track and roadbed in good condition. The ties are mostly oak, with some pine and tamarac.

The Fargo & Southwestern branch of the Northern Pacific, from Fargo to Edgeley, a distance of about 109 miles, connects with the James River Valley Railroad at LaMoure. The track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

The James River Valley branch from Jamestown to Oakes, a distance of about 69 miles, connects with the Fargo & Southwestern at LaMoure, and the Chicago & Northwestern Railway at Oakes, the track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

The Jamestown & Northern branch from Jamestown northerly to Leeds, a distance of about 108 miles, together with the Sykeston branch from Carrington, on the Jamestown & Northern to Sykeston, a distance of about 13 miles, making in the aggregate on these branches a distance of about 121 miles, and connecting at Leeds with the Great Northern Railway. The track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

The Sanborn, Cooperstown & Turtle Mountain branch, from Sanborn, on the main line, to Cooperstown, a distance of about 36 miles. The track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

That portion of the Northern Pacific & Manitoba branch in the State of North Dakota, from Grand Forks to Pembina, a distance of about 94 miles. The track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

That portion of the Northern Pacific, Fergus & Black Hills branch, in the State of North Dakota from Wahpeton to Milnor, a distance of about 41 miles, together with the Southeastern Dakota branch from Fairview Junction on the Northern Pacific, Fergus & Black Hills branch to Bayne, a distance of about 14 miles, making in the aggregate of both these branches a distance of about 55 miles. The track is laid with steel rails, 66 pounds to the yard weight. The ties are mostly oak, with some pine and tamarac. The track and roadbed are in good condition.

Making in the aggregate of the main line and branches, a distance of about 861 miles, upon which there was laid during the year ending June 30, 1891, 10,545.71 tons of new steel rails, 66 pounds per yard weight, and 382,065 new ties, mostly oak, with some pine and tamarac. The depots, station houses and other buildings, the property of this road, are well preserved, newly painted and neatly kept.

The bridges on this road in the State of North Dakota are as follows: One iron bridge crossing the Missouri river between Bismarck and Mandan, consisting of three spans of 400 feet each, with two short spans, the one on the east end, connecting with the east bank of the Missouri river, and the one on the west end, connecting with the high trestle. This bridge is 1,442 feet 10 inches long. Twenty-four wooden bridges, the aggregate length of which is 2,174 feet 6 inches, and six combination bridges, with an aggregate length of 974 feet 10 inches. There are 752 trestles, with an aggregate length of 58,943 feet, the longest one of which is at the west end of the iron bridge crossing the Missouri river between Bismarck and Mandan, which trestle is 2,132 feet long. The company has commenced to fill this trestle, and it is expected that this filling will be completed during the next season. The bridges and trestles are all in good condition. There are no tunnels on this road in the State of North Dakota.

This company has added to its equipment, during the year ending June 30, 1891, 15 new passenger locomotives, making the number now in use 74, of which 73 are equipped with the Westinghouse train brake. Seventy-three new freight locomotives, making the number now in use 392, of which 389 are equipped with the Westinghouse train brake. There are 29 switching locomotives in use, of which 16 are equipped with the Westinghouse train brake. The company has also in use 108 leased locomotives, all of which are equipped with the Westinghouse train brake, making the total number of new locomotives added to their equipment during the year 88, and the total number of locomotives in use during the year 603, 586 of which are equipped with the Westinghouse train brake.

Sixteen new first-class passenger cars were also added, making the number now in use 69; 9 new second-class passenger cars, making the number now in use 50; 4 new combination passenger cars, making the number now in use 20. There are 40 emigrant cars, 24 dining cars, 45 sleeping cars, in use and which have not been added to during the year. Three new baggage, express and postal cars, making the number now in use 98; one new business car, making the number in use 16, making 33 new cars added to the passenger service during the year, making the total number of cars in the passenger service at the end of the year June 30, 1891, 362, all of which are equipped with the Westinghouse train brake, and 37 of which are equipped with the Cowell automatic

coupler, and 325 with the Miller automatic coupler; 1,533 new box cars, making the number now in use 6,778, 4,257 of which are equipped with the Westinghouse train brake, and 1,150 of which are equipped with the Janney automatic coupler, and 500 with the Gould automatic coupler; 713 new flat cars, making the number now in use 4,045, 1,831 of which are equipped with the Westinghouse train brake, and 450 of these are equipped with the Janney automatic coupler and 550 with the Gould automatic coupler; 242 new coal cars, making the number of coal cars now in use 1,532, 831 of which are equipped with the Westinghouse train brake; 11 new refrigerator cars, making the number of refrigerator cars now in use 196, 30 of which are used exclusively for fruit, and all of these refrigerator cars are equipped with the Westinghouse train brake, and 50 of them are equipped with the Janney automatic coupler, 36 with the Miller automatic coupler, and 50 with the Gould automatic coupler; 58 new other road cars, making the number of other road cars at the end of the year 550, 32 of which are equipped with the Westinghouse train brake. The company had also 849 stock cars in use at the end of the year, all of which are equipped with the Westinghouse train brake. The total number of new cars added to the freight service during the year ending June 30, 1891, being 2,557, making the total number of cars used in the freight service of the company during said year 13,954, 7,996 of which are equipped with the Westinghouse train brake, and 2,786 are equipped with automatic couplers; 35 new caboose cars, making the total number of caboose cars now in the company's service 335, 236 of which are equipped with the Westinghouse train brake; 238 new other road cars, making the total number of other road cars in the company's service at the end of the year (June 30, 1891) 1,707, 5 of which are equipped with the Westinghouse train brake. There are also 11 derrick cars for use in the company's service. The total number of new cars added to the company's equipment during the year 2,863, making the total number of cars owned by the company and in its service at the close of the year ending June 30, 1891, 16,369, 8,599 of which are equipped with the Westinghouse train brake, and 3,148 of which are equipped with automatic couplers. The company had also in its service, at the close of the year ending June 30, 1891, 3,771 leased cars, 3,571 of which were equipped with the Westinghouse train brake, and 41 with the automatic coupler, making the total number of cars in the service of the company at the close of the year ending June 30, 1891, 20,140. Total number equipped with the Westinghouse train brake, 12,170. Total number equipped with automatic couplers, 3,189.

This company consumed on its locomotives in the State of North Dakota, during the year ending June 30, 1891, 113,465 tons of bituminous coal, 355 cords of hard wood, and 3,197 cords of

soft wood. The number of miles run upon this amount of fuel were 3,137,267.

The passenger equipment and service of this road is not excelled by any road in the United States, and is not equaled by many. The Board has received various and numerous applications for better facilities for shipping grain, produce and live stock from persons living along the main line and branches of this road, during the time of this visit and inspection; also some prior and subsequent thereto, all of which will be hereinafter fully set forth, together with the answer of the company to the same.

GREAT NORTHERN RAILWAY.

The Commissioners made their annual visit and inspection of the main line and branches operated by the Great Northern Railway company in the State of North Dakota, pursuant to the provisions of Section 10, of Chapter 122, of the Session Laws of 1890, after giving due notice thereof, as required by law, in the following order:

Wahpeton, DeVillo, Hankinson, Stilef and Lidgerwood, in the county of Richland, on the 10th day of June.

Ellendale and Geulph, in the county of Dickey; Straubville, Rutland and Cayuga, in the county of Sargent; Dwight, Colfax and Walcott, in the county of Richland; Kindred, Davenport, Durbin and Page City, in the county of Cass; and Hope, in the county of Steele, on the 11th day of June.

Armenia, Arthur, Hunter, Erie, Ripon, Everest and Casselton, in the county of Cass; Blanchard, Mayville, Portland, Clifford, Galesburg and Hatton, in the county of Traill; and Northwood, in the county of Grand Forks, on the 12th day of June.

Langdon, Osnabrook and Milton, in the county of Cavalier; Edinburg, Park River and Conway, in the county of Walsh; Inkster, Orr, McCanna, Larimore and Niagara, in the county of Grand Forks; Petersburg, Michigan City, Mapes and Lakota, in the county of Nelson; Bartlett, Crary and Devils Lake, in the county of Ramsey, on the 13th day of June.

Grand Harbor and Church's Ferry, in the county of Ramsey; Cando, in the county of Towner; Rolla and St. John, in the county of Rolette; Leeds, York and Pleasant Lake, in the county of Benson; Rugby Junction, in the county of Pierce; Willow City and Bottineau, in the county of Bottineau, on the 16th day of June.

Towner, in the county of McHenry; Minot, in the county of Ward; Stanley and White Earth, in the county of Mountraille; Williston and Buford, in the county of Buford, on the 17th day of June.

Neche, Bathgate, Hamilton, Glaston, St. Thomas, Crystal and Cavalier, in the county of Pembina; Auburn, Grafton, Minto and

Ardock, in the county of Walsh; and Manvel, in the county of Grand Forks, on the 18th day of June.

Grand Forks, Ojata, Emerado, Arvilla, Thompson and Reynolds, in the county of Grand Forks; Buxton, Cummings, Hillsboro and Kelso, in the county of Traill; Grandin, Gardner, Argusville, Harwood and Fargo, in the county of Cass, on the 19th day of June, 1891.

The Aberdeen & Ellendale line of the Great Northern Railway, in the State of North Dakota, from where the said line crosses the Bois de Sioux, the east line of the State, to Ellendale, a distance of about 94 miles, and from Rutland to the south State line, a distance of about 10 miles, making about 104 miles of this line in the State of North Dakota. The roadbed is fairly well ballasted, and both track and roadbed are in good condition.

The Wahpeton & Moorhead line, in the State of North Dakota, from Wahpeton to where said line crosses the Red River, a distance of about 6 miles. The track and roadbed are in good condition.

The Wahpeton & Larimore line, from Wahpeton to Larimore, via Ripon and Portland Junction, a distance of about 131 miles, and from Everest to Portland Junction, via Casselton and Mayville, a distance of about 50 miles, and from Ripon to Hope, a distance of about 30 miles, making a total distance on this line of about 211 miles.

On that portion of this line from Casselton to Portland Junction, via Mayville (what is known as the Mayville branch) the rails are old and badly worn and the ties are sunk in the ground and much decayed. The officers of the Great Northern Railway, however, have stated that this portion of their line shall receive their attention and will be put in as good repair and condition as the remainder of their line, as soon as the company can do so. The roadbed of the remainder of this line is fairly well ballasted, and both track and roadbed are in good condition, except as herein stated.

On the Fargo, Grand Forks & Neche line, from Fargo to the north boundary line, a distance of about 155 miles, the roadbed is fairly well ballasted, and the track and roadbed are in good condition.

On the main line of this company, from Grand Forks to the Montana state line, a distance of about 354 miles, the roadbed is well ballasted, and the track and roadbed are in very good condition.

On the Park River & Langdon branch, from Park River Junction to Langdon, a distance of about 76 miles, both track and roadbed are in good condition.

On the Pembina Mountain line, from Grafton to Cavalier, a distance of about 31 miles, both track and roadbed are in good condition.

On the Cando & St. John line, from Church's Ferry to St. John, a distance of about 55 miles, both the track and roadbed are in good condition.

On the Bottineau branch, from Rugby Junction to Bottineau, a distance of about 38 miles, the track and roadbed are in good condition, making a total of about 1,030 miles, of which about 144 miles are laid with iron rails and about 886 miles are laid with steel rails, 60 pounds to the yard weight, and the company is replacing its iron rails with steel as fast as the same can be accomplished without detriment to its other business.

There were 4 tons of new steel rails and 194,692 new ties laid during the year ending June 30, 1891, to replace old and worn out rails and decayed ties.

This company's equipment at the close of the year ending June 30, 1891, consisted of 82 passenger locomotives, 2 of which were added during the year, all of which are equipped with the Westinghouse train brake; 141 freight locomotives, 1 of which was added during the year and 2 of which are equipped with the Westinghouse train brake, and 3 with the American train brake; 33 switching locomotives, 1 of which is equipped with the Westinghouse train brake, 2 with the American steam driver brake and 1 with Eames' vacuum brake, making the aggregate number of locomotives owned by the company and in its service 256, 3 of which were added to the company's equipment during the year.

There are 97 first-class passenger cars, 3 of which were added during the year, and all equipped with the Westinghouse train brake and Miller automatic coupler; 21 combination passenger cars, 2 of which were added to the company's equipment during the year, all equipped with the Westinghouse train brake and Miller automatic coupler; 6 dining cars, all of which are equipped with the Westinghouse train brake and Miller automatic coupler; 38 sleeping cars, 37 of which are equipped with the Westinghouse train brake and Miller automatic coupler, and 1 with the hand brake; 52 baggage, express and postal cars, 2 of which were added to the company's equipment during the year, all of which are equipped with the Westinghouse train brake, and 49 of which are equipped with the Miller automatic coupler; 3 other cars, all of which are equipped with the Westinghouse train brake and Miller automatic coupler, making the total number of cars in the company's passenger service 217, 7 of which were added to the company's equipment during the year.

There are 6,348 box cars, 509 of which were added to the company's equipment during the year; 1,328 flat cars, 225 of which were added to the company's equipment during the year; 478 stock cars (coal cars included with the flat cars in the report of the company); 103 refrigerator cars and 416 furniture and hay cars, 400 of which were added to the company's equipment during the year, making the total number of cars in the company's freight

service on the 30th day of June, 1891, 8,673, 684 of which were added to the company's equipment during the year.

There are 23 derrick and tool cars, 2 of which were added to the company's equipment during the year; 147 caboose cars, 3 of which were added to the company's equipment during the year; 80 other road cars, 38 of which were added to the company's equipment during the year; 31 boarding cars, 10 of which were added to the company's equipment during the year, making the total number of cars in the company's service for doing its work 281, 29 of which were added to the company's equipment during the year; making the grand total number of cars operated by the company on the 30th day of June, 1891, 9,171, 648 of which were added to the company's equipment during the year.

The depots, station houses and other buildings, the property of this company, are well preserved and neatly kept.

There are 23 wooden bridges on the lines of this road in the State of North Dakota, with an aggregate length of 5,740 feet, the smallest being 44 feet long, and the largest being 478 feet long, all of which bridges are well preserved and in good repair and condition.

There are 1,261 trestles on the lines of this road in the State of North Dakota, with an aggregate length of 75,339 feet, the smallest being 10 feet long and the largest being 1,608 feet long. These trestles are well preserved and are in good repair and condition.

The Commissioners are unable to give the amount of fuel consumed by this company in the State of North Dakota, the company not having reported the same, but it did report the consumption of fuel for its entire line.

List of new sidetracks, stations, engine houses, stockyards, platforms and tanks erected in North Dakota; also new lines, between the 30th day of June and the 31st day of December, 1891, by the Great Northern Railway company:

SIDETRACKS.—Fargo, 340 feet; Clark, 1,225 feet; Grafton, 2,315 feet; Grand Forks, 18,475 feet; north of Park River Junction, 400 feet; Emerado, 2,266 feet; Church's Ferry and Cando (between), 500 feet; Minot, 280 feet; Williston, 500 feet.

STATIONS.—Grand Forks, Edinburg, Osnabrook.

ENGINE HOUSES.—Devils Lake, five-stall addition.

STOCKYARDS.—Lakota, Church's Ferry.

PLATFORMS.—Park River, Canton, Hoople, Howes.

TANKS.—Ross, Ray.

NEW LINE CONSTRUCTED.—Alton to Red River: Main track, 9.832 miles; sidetrack, .380.

MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY.

The Commissioners of Railroads made their annual visit and inspection of the Minneapolis, St. Paul & Sault Ste. Marie Rail-

way company's lines in the State of North Dakota, pursuant to the provisions of Section 10, of Chapter 122, of the Session Laws of 1890, after giving due notice thereof as required by law, in the following order:

Fairmount, Hankinson and Lidgerwood, in the county of Richland; Ransom, Forman and Nicholson, in the county of Sargent; Oakes, Fullerton and Boynton, in the county of Dickey, on the 28th day of July, 1891.

The line of this road in this State, from where it crosses the Bois de Sioux, east of Fairmount, to Boynton, its terminus for the present, a distance of about 99 miles, the track is laid with steel rails, 60 pounds per yard weight. The ties are mostly pine. The roadbed is fairly well ballasted, and both track and roadbed are in good condition. One ton of steel rails was laid during the year ending June 30, 1891, to replace worn out rails, and a small number of new ties were laid to replace those that had become decayed.

The station houses, depots and other buildings belonging to this road are well preserved and neatly kept.

There are no bridges on this road in the State of North Dakota. There are 56 wooden trestles, with an aggregate length of 3,840 feet, the shortest being 30 feet long and the longest 405 feet. These trestles are all in good condition.

The company's equipment consists of 12 passenger engines, 47 freight engines and 3 switching engines, making a total of 62 engines, all of which are equipped with the Westinghouse train brake; 16 first-class passenger cars, 9 second-class passenger cars, 5 combination passenger cars, 3 dining cars, 5 sleeping cars, 11 baggage, express and postal cars, and 1 other car, making a total of 50 cars in the passenger service of this road, all of which are equipped with the Westinghouse train brake and the Janney automatic coupler.

There are 2,243 freight cars, 200 of which were added to the company's equipment during the year ending June 30, 1891; 817 flat cars, 25 stock cars, 37 coal cars, 15 of which were added to the company's equipment during the year; 7 refrigerator cars, 6 of which were added to the company's equipment during the year; 10 other cars and 150 ore cars, 141 of which were added to the company's equipment during the year, making a total of 3,289 cars in the freight service of this road, 362 of which are new and were added to the company's equipment during the year, and all equipped with the hand power train brake. There are also 20 gravel cars, 2 derrick cars, 35 caboose cars, and 4 other road cars, making a total of 61 cars in the company's service, all of which are equipped with the hand power train brake.

There are 488 cars contributed to fast freight line service, all of which are equipped with the hand power train brake, making the total number of cars owned by the company 3,888, and 2 leased

cars, making the grand total number of cars in the service of the company, 3,890.

This company consumed on its locomotives, in the State of North Dakota, during the year ending June 30, 1891, 1,668 tons bituminous coal and 38 cords of soft wood, upon which they run a distance of 55,172 miles.

There were no applications for better facilities or complaints received by the Commissioners against the company on this visit and inspection.

This company has extended its line westerly from Boynton to Merricourt, a distance of about 11 miles, and northwesterly from Hankinson to Valley City, a distance of about 81 miles, since it made its annual report, and which does not appear therein.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY.

The Commissioners made their annual visit and inspection of the Chicago, Milwaukee & St. Paul Railway company's lines in the State of North Dakota, pursuant to Section 10, Chapter 122, of the Session Laws of 1890, after giving due notice thereof as required by law, in the following order:

Fairmount, Tyler, Wahpeton, Woodhull and Christine, in the county of Richland; Hickson, Wild Rice, Saunders and Fargo, in the county of Cass, on the 31st day of July, 1891.

The Fargo line of this road, in this State, runs from the south State line to Fargo, a distance of about 69 miles. The Andover line of this road, in the State of North Dakota, runs from the south State line to Harlem, a distance of about 17 miles. The Aberdeen line runs from the south State line to Edgeley, a distance of about 32 miles, making the total mileage of this road, in the State of North Dakota, about 118 miles. About 6 miles of this is laid with iron rails; the remainder with steel rails, 60 and 75 pounds to the yard weight; the ties are mixed; the roadbed is fairly well ballasted, and both track and roadbed are in good condition.

This company reports the laying of 666 tons of new steel rails and 29,246 ties; but as this report is marked "Proportional," it is problematical what portion of these rails and ties was laid in the State of North Dakota.

The consumption of fuel by this company, in the State of North Dakota, is reported to be 20,876 tons bituminous coal and 556 cords of soft wood; but as this is also marked "Proportional," there is no way of reaching the actual amount of fuel consumed in the State of North Dakota.

This company's equipment on its entire line, on the 30th day of June, 1891, consisted of 266 passenger locomotives, 7 of which were added to the equipment during the year, all equipped with the Westinghouse train brake; 450 freight locomotives, 15 of which were added during the year, and 145 of which are equipped with

the Westinghouse train brake; 85 switching locomotives, 3 of which were added during the year, and 27 of which are equipped with the Westinghouse train brake, making the total number of locomotives in the company's service 801, 25 of which were added during the year, and 438 of which are equipped with the Westinghouse train brake.

There are 320 first-class passenger cars, 3 of which were added during the year, all equipped with the Westinghouse train brake and Janney and Miller automatic couplers; 32 second-class passenger cars, all equipped with the Westinghouse train brake and Janney and Miller automatic couplers; 9 dining cars, 1 of which was added during the year, equipped with the Westinghouse train brake, 3 with the Cowell automatic coupler and 6 with the Miller; 12 parlor cars, 3 of which were added during the year, and all equipped with the Westinghouse train brake, 3 with the Cowell automatic coupler and 9 with the Miller; 57 sleeping cars, 3 of which were added during the year, and all equipped with the Westinghouse train brake, and 6 with the Cowell automatic coupler, 40 with the Miller and 11 with the Janney and Miller; 246 baggage, express and postal cars, 1 of which was added during the year, and 239 of which are equipped with the Westinghouse train brake and 223 with the Miller automatic coupler; 2 other cars, both equipped with the Westinghouse train brake and with the Miller automatic coupler; making the total number of cars in the passenger service of this company 678, 11 of which were added during the year, and 671 of which are equipped with the Westinghouse train brake and 655 with automatic couplers.

There are 16,625 box cars, 1,811 of which were added during the year, and 1,969 of which are equipped with the Westinghouse train brake and 3,135 with the Janney and Gould automatic coupler; 4,177 flat cars, 76 of which were added during the year, and 153 of which are equipped with the Janney and Gould automatic coupler; 2,340 stock cars, 159 of which were added during the year, and 5 of which are equipped with the Janney and Gould automatic coupler; 509 refrigerator cars, 41 of which were added during the year, and 152 of which are equipped with the Westinghouse train brake, and 320 of which are equipped with the Janney and Gould automatic coupler; 191 other cars, all of which were added to the company's equipment during the year; making the total number of cars in the freight service of this company, on the 30th day of June, 1891, 23,842, 1,960 of which were added during the year, and 2,121 of which are equipped with the Westinghouse train brake, and 3,613 are equipped with the Janney and Gould automatic couplers; 150 gravel cars, all of which were added to the company's equipment during the year, and all are equipped with the Janney automatic coupler.

There are 10 derrick cars, 1 of which is equipped with the Westinghouse train brake; 442 caboose cars, 8 of which were

added to the company's equipment during the year, and 2 of which are equipped with the Westinghouse train brake; 51 other road cars, 3 of which were added to the company's equipment during the year, and 1 of which is equipped with the Westinghouse train brake; making the total number of cars in the company's service 653, 139 of which were added to the company's equipment during the year, 4 of which are equipped with the Westinghouse train brake and 150 with the Janney automatic coupler.

There are 822 cars contributed to the fast freight line service, 12 of which were added to the company's equipment during the year, and 150 of which are equipped with the Westinghouse train brake; making the total number of cars owned and operated by this company 25,995, 2,096 of which were added to the company's equipment during the year, and 2,946 of which are equipped with the Westinghouse train brake and 4,418 with automatic couplers.

There are no bridges on the lines of the Chicago, Milwaukee & St. Paul Railway in the State of North Dakota, but there are 44 trestles, with an aggregate length of 4,424 feet, the smallest being 12 feet long and the longest 994 feet long.

CHICAGO & NORTHWESTERN RAILWAY.

The Chicago & Northwestern Railway company having only about 14 miles of railway in the State of North Dakota, from the south State line to Oakes, the Commissioners of Railroads did not extend their annual visit and inspection to it. The track is laid with steel rails (the weight per yard of rail used is not given by the company), the ties are oak, cedar, hemlock, ash and elm. There were 6 tons of new steel rails and 1,132 new ties laid on this track during the year ending June 30, 1891. The consumption of fuel by this company in the State of North Dakota, during the year ending June 30, 1891, was 312 tons of bituminous coal and 17 cords of soft wood.

This company's equipment on its entire line, on the 30th day of June, 1891, consisted of 186 passenger locomotives, 14 of which were added to the company's equipment during the year, and all of which are equipped with the Westinghouse train brake; 506 freight locomotives, 21 of which were added to the company's equipment during the year, and 455 of which are equipped with the Westinghouse train brake; 154 switching locomotives, 5 of which were added to the company's equipment during the year, and 97 of which are equipped with the Westinghouse train brake; making a total of 846 locomotives, 40 of which were added to the company's equipment during the year, and 738 of which are equipped with the Westinghouse train brake.

There are 308 first-class passenger cars, all of which are equipped with the Westinghouse train brake, and 3 of which are equipped with the Schroyer automatic coupler and 305 with the Miller; 28 second-class passenger cars, all of which are equipped

with the Westinghouse train brake and the Miller automatic coupler; 49 combination passenger cars, all of which are equipped with the Westinghouse train brake and the Miller automatic coupler; 9 dining cars, all of which are equipped with the Westinghouse train brake, and 6 of which are equipped with the Miller automatic coupler and 3 with the Schroyer; 11 parlor cars, all of which are equipped with the Westinghouse train brake, and 5 of which are equipped with the Schroyer automatic coupler and 6 with the Miller; 145 baggage, express and postal cars, all of which are equipped with the Westinghouse train brake, and 4 of which are equipped with the Schroyer automatic coupler and 141 with the Miller; 29 other cars, all of which are equipped with the Westinghouse train brake and the Miller automatic coupler; making a total of 579 cars in the passenger service of this company.

There are 14,469 box cars, 1,185 of which are equipped with the Westinghouse train brake, and 542 of which are equipped with the Janney automatic coupler and 394 with the Chicago automatic coupler; 2,296 flat cars, 99 of which were added to the company's equipment during the year, and 300 of which are equipped with the Chicago automatic coupler; 1,861 stock cars; 1,950 coal cars, 26 of which are equipped with the Chicago automatic coupler; 230 refrigerator cars, 74 of which were added to the company's equipment during the year, and 90 of which are equipped with the Westinghouse train brake and 100 with the Chicago automatic coupler; 4,199 iron ore cars, 2,057 of which are equipped with the Westinghouse train brake, and 255 with the Chicago automatic coupler, and 1,810 with the Janney; (this is a decrease of 452 iron ore cars during the year ending June 30, 1891); making a total of 25,005 cars in the freight service of this company, 3,332 of which are equipped with the Westinghouse train brake, and 3,427 with automatic couplers; (this is a decrease of 279 cars in the freight service of this company from June 30, 1890, to June 30, 1891.)

There are 30 derrick and wrecking cars, 1 of which was added to the company's equipment during the year, and 5 of which are equipped with the Westinghouse train brake; 451 caboose cars, 125 other road cars, 8 officers' and paymasters' cars, all of which are equipped with the Westinghouse train brake, and 3 with the Schroyer automatic coupler and 5 with the Miller; 2 rotary steam snow plows; making a total of 616 cars in the company's service, 1 of which was added to the company's equipment during the year, and 13 of which are equipped with the Westinghouse train brake and 8 with automatic couplers.

There are 480 cars contributed to the fast freight line service, which makes the total number of cars owned and operated by this company 26,680, 3,924 of which are equipped with the Westinghouse train brake and 4,014 with automatic couplers, and being a decrease in this company's equipment from the year ending June 30, 1890, of 278 cars, and no reason for such decrease is given by the company.

ST. PAUL, MINNEAPOLIS & MANITOBA RAILWAY.

The St. Paul, Minneapolis & Manitoba Railway company, having leased its lines and other property to the Great Northern Railway company, has become what is known as a subsidiary company; that is, one which, although merged in an operating system by means of a lease, or by means of an operating contract or agreement, yet maintains an independent legal existence and separate financial accounts, the report which such a company makes to this office is termed a Financial Report.

NO NEW RAILWAY CORPORATIONS ORGANIZED.

There has been no new railway corporations organized under the laws of the State of North Dakota, during the year ending December 31, 1891.

ANNUAL REPORT

OF THE

NORTHERN PACIFIC RAILROAD COMPANY

FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, Northern Pacific Railroad company.

Date of organization, September 25, 1875.

Chartered by act of Congress July 2, 1864.

Name of original corporation, Northern Pacific Railroad Co., organized under charter by Congress, July 2, 1864; re-organized Sept. 25, 1875.

ORGANIZATION.

Names of Directors.	Postoffice Address.	Date of Expiration of Term.
Chas. B. Wright.....	Philadelphia.....	October, 1898
Thos. F. Oakes.....	New York.....	October, 1898
Rosewell G. Rolston.....	New York.....	October, 1898
Wm. L. Bull.....	New York.....	October, 1898
Henry Villard.....	New York.....	October, 1898
Edwin H. Abbott.....	Milwaukee.....	October, 1898
Chas. L. Colby.....	New York.....	October, 1898
Colgate Hoyt.....	New York.....	October, 1898
Geo. A. Morrison.....	New York.....	October, 1898
Chas. T. Barney.....	New York.....	October, 1898
Jas. B. Haggin.....	New York.....	October, 1898
Jas. B. Williams.....	Stamford, Conn.....	October, 1898
David S. Wegg.....	Chicago.....	October, 1898

Total number of stockholders at date of last election, 4,069.

Date of last meeting of stockholders for election of directors, October 16, 1890.

Postoffice address of general office, 35 Wall street, New York.

Postoffice address of operating office, St. Paul, Minn.

OFFICERS.

Title.	Name.	Location of Office.
Chairman of the Board	Henry Villard .....	..... New York
President	T. F. Oakes .....	..... New York
First Vice President	J. B. Williams .....	..... New York
Second Vice President	C. H. Prescott .....	..... Tacoma, Wash
Secretary	G. H. Earl .....	..... New York
Treasurer	G. S. Baxter .....	..... New York
General Counsel	Jas. McNaught .....	..... New York
Attorney, or General Counsel	J. C. Bullitt, Jr. ....	..... St. Paul, Minn
General Auditor	J. A. Barker .....	..... St. Paul, Minn
Assistant General Auditor	M. P. Martin .....	..... St. Paul, Minn
General Manager	W. S. Mellen .....	..... St. Paul, Minn
Assistant General Manager	N. Kline .....	..... St. Paul, Minn
Chief Engineer	J. W. Kendrick .....	..... St. Paul, Minn
General Superintendent	M. C. Kimberly .....	..... St. Paul, Minn
Asst. General Superintendent	G. W. Dickinson .....	..... Tacoma, Wash
Division Superintendent	A. J. McCabe .....	..... Jamestown, N D
Division Superintendent	J. E. Phalen .....	..... Dickinson, N. D
Superintendent of Telegraph	O. C. Greene .....	..... St. Paul, Minn
Traffic Manager	J. M. Hannaford .....	..... St. Paul, Minn
General Freight Agent	S. L. Moore .....	..... St. Paul, Minn
Asst. General Freight Agent	S. G. Fulton .....	..... Portland, Ore
General Passenger Agent	C. S. Fee .....	..... St. Paul, Minn
Asst. General Passenger Agent	B. N. Austin .....	..... St. Paul, Minn
General Ticket Agent	C. S. Fee .....	..... St. Paul, Minn
Asst. General Ticket Agent	J. C. Pond .....	..... St. Paul, Minn
General Baggage Agent	W. H. Lowe .....	..... St. Paul, Minn
Superintendent of Express	H. H. Browning .....	..... St. Paul, Minn
Land Commissioner	C. B. Lamborn .....	..... St. Paul, Minn

PROPERTY OPERATED.

[For roads making operating reports.]

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
Railroad Line Represented by Capital Stock—Main Line:				
Northern Pacific R. R. Co	Ashland, Wis ...	Portland, Ore....		2,187.14
Branches and Spurs.				
Northern Pacific R. R. Co....	Duluth	South Superior...	7.71	
Northern Pacific R. R. Co....	Bay Front Line..	Superior	2.65	
Northern Pacific R. R. Co....	Aitken.....		.88	
Northern Pacific R. R. Co....	Howes Mill.....		1.28	
Northern Pacific R. R. Co....	Brickyard.....	Brainerd.....	1.81	
Northern Pacific R. R. Co....	Motley .....		.87	
Northern Pacific R. R. Co....	Mandan .....		.65	
Northern Pacific R. R. Co....	Sims.....		.32	
Northern Pacific R. R. Co....	Bozeman .....		.91	
Northern Pacific R. R. Co....	Bonner		1.45	
Northern Pacific R. R. Co....	Spokane .....		.41	
Northern Pacific R. R. Co....	Tacoma.....	Lumber Mill.....	.28	
Northern Pacific R. R. Co....	Tacoma.....	Smelter	4.01	
Northern Pacific R. R. Co....	Wenlock.....		.13	
Northern Pacific R. R. Co....	Bucoda .....		.66	
Northern Pacific R. R. Co....	Linton.....		.26	
Northern Pacific R. R. Co....	Cokedale		8.59	27.27
Proprietary Companies whose Entire Capital Stock is Owned by this Company:				
Little Falls & Dakota railroad.	Little Falls	Morris.....	89.08	
N. P., Fergus & Black Hills railroad.....	Wadena Junction	Milnor.....	117.05	
Fargo & Southwestern railroad	Fargo	La Moure.....	87.41	
S. C. & Turtle Mtn. railroad..	Sanborn	Cooperstown ...	86.75	
Jamestown & Northern railroad	Jamestown.....	Minnewaukan ...	102.59	
N. P., La Moure & Mo. River railroad.....	La Moure.....	Edgeley	21.80	
Southeastern Dakota railroad.	Fairview	Bayne	14.84	
Jamestown & Nor. Ext. rail-road	Minnewaukan...	Leeds.....	18.08	
Helena & Jefferson Co. rail-road	Prickly Pear Junc	Wickes	20.58	

PROPERTY OPERATED.—*Continued.*

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
Rocky Mtn R. R. of Montana.	Livingston	Cinnabar	52.61	
N. P. & Manitoba railroad	International B'y	Winnipeg	65.79	
N. P. & Manitoba railroad	Portage Junction.	Portage LaPrairie	52.52	
N. P. & Manitoba railroad	Morris	Brandon	145.28	
C. d'Alene R'y & Nav. Co....	Mission	Burke and Mullan	38.51	
Spokane Falls & Idaho railroad	Hauser Junction.	C. d'Alene City..	14.39	
Clealum railroad	Clealum	Rosbun Mines...	5.39	
N. P. & Cascade railroad	Cascade	Wilkeson & C'bo	17.37	
N. P. & Cascade railroad	Crocker	Douty		
Green River & Nor. railroad .	Palmer	Kangley	4.43	
Tacoma, O. & S. E. railroad..	Orling	Puyallup River..	7.65	
Rocky Park & Cooke City railroad	Laurel	Red Lodge	45.43	
N. P. & P. S. S. railroad	Meeker	Seattle	31.42	
Duluth, C. & Nor. railroad	Fertile	Carthage	44.51	
United R. R's of Washington	Centralia	Montesano	41.63	
United R. R's of Washington	Lake View	Olympia	24.12	
United R. R's of Washington	Elma	Summit	10.29	1,108.92
Line Operated Under Contract, or where the Rental is Contingent Upon Earnings or Other Considerations:				
James River Valley railroad...	Jamestown	Oakes	68.75	
James River Valley railroad...	Logan	Butte	70.88	
N. P. & Montana railroad	Sappington	Norris	20.90	
N. P. & Montana railroad	Harrison	Pony	7.09	
N. P. & Montana railroad	Jefferson	Calvin	30.05	
N. P. & Montana railroad	Boulder	Elkhorn	20.40	
N. P. & Montana railroad ...	Clough Junction.	Marysville	12.58	
N. P. & Montana railroad	Drummond	Rumsey	32.12	
N. P. & Montana railroad	Missoula	Grantsdale	50.83	
N. P. & Montana railroad	DeSomet	St. Regis	73.69	
Central Washington railroad..	Cheney	Grand Coulee....	108.54	
Duluth & Manitoba railroad..	Winnipeg Junc..	International Bdy	205.77	
Spokane & Palouse railroad...	Marshall	Genesee	105.43	
St. Paul & N. P. railway	Belmont	Farmington	6.09	
St. Paul & N. P. railway	Minneapolis	Br'nerd & Stapl's	181.70	

PROPERTY OPERATED—*Continued.*

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
Helena & Red Mtn. railroad..	Helena	Rimini.....	17.08	1,006.90
Lines Operated Under Track- age Rights:				
St. Paul Union Depot Co.	Tracks in St. Paul		.56	
Great Northern railway.....	St. Paul	Minneapolis	12.12	
Minneapolis Union railway...	University Sw'ch		2.60	
Minneapolis & St. L. railway.	Minneapolis		1.62	
Seattle & Northern railroad...	Sedro	Anacortes	24.27	
N. P. Terminal Co.....	Portland		1.82	
St. Paul & Duluth railway. (half owned).....	Carlton	Duluth	29.50	
Superior Short Line railway. (half owned).....	Connor's Point ..	Superior	1.54	68.62
Total Mileage Operated...				4,948.96

MILEAGE.

[Statement showing differences between mileage shown in report of June 30, 1891, and actual measurement made since.]

Name.	Correct Mileage.	Old Mileage.	In- crease.	De- crease.
Northern Pacific Railroad—				
Ashland to Portland, etc.....	2,137.14	2,134.10	3.04	
Alloues to Duluth	7.71	7.70	.01	
Cokedale Branch	3.59	3.60		.01
Spurs	15.97	4.00	11.97	
Clealum Railroad.....	3.44	3.44		
Northern Pacific, LaMoure & Missouri River R. R....	21.30	21.30		
Spokane Falls & Idaho Railroad	14.39	13.60	.79	
Northern Pacific & Cascade Railroad—				
Cascade to Wilkeson and Carbo	10.07	10.40		.33
Crocker to Douy.....	5.30	5.30		
Green River & Northern Railroad—				
Palmer to Durham	2.30	2.30		
Northern Pacific & Puget Sound Shore Railroad.....	31.43	30.50	.92	
Tacoma, Orting & Southeastern Railroad.....	7.65	7.60	.05	
Rocky Fork & Cooke City Railroad.....	45.43	46.75		1.32
Duluth, Crookston & Northern Railroad.....	22.80	22.80		
Jamestown & Northern Railroad Extension	18.08	18.00	.08	
Northern Pacific & Manitoba Railroad.....	263.54	264.20		.66
Coeur d'Alene Railway and Navigation Company....	33.51	33.44	.07	
James River Valley Railroad	63.75	64.20	.45	
Little Falls & Dakota Railroad.....	89.08	87.80		1.28
Fargo & Southwestern Railroad.....	87.41	87.40	.01	
S., C. & Turtle Mountain Railroad.....	36.75	39.50	.25	
Jamestown & Northern Railroad	102.59	102.50	.09	
Rocky Mountain Railroad of Montana.....	53.61	51.70	91	
Helena & Jefferson County Railroad.....	20.58	20.10	.48	
Northern Pacific & Montana Railroad—				
Jefferson to Calvin.....	30.05	30.00	.05	
Clough Junction to Marysville.....	12.58	12.50	.08	
Missoula to Grantsdale.....	50.83	50.50	.33	
Drummond to Rumsey.....	32.12	32.20		.08
Logan to Butte	70.88	70.50	.38	
Central Washington Railroad	88.54	87.50	1.04	
Duluth & Manitoba Railroad	205.77	206.74		.96

MILEAGE—Continued.

Name.	Correct Mileage.	Old Mileage.	In- crease.	De- crease.
Spokane & Palouse Railway.....	105.43	104.40	1.03	
Northern Pacific, Fergus & Black Hills Railroad.....	117.05	117.10		.05
St. Paul & Northern Pacific Railroad.....	181.70	175.74	5.96	
Helena & Red Mountain Railroad	17.08	16.70	.38	
Great Northern Railroad	12.12	12.12		
Minneapolis Union Railway.....	2.60	2.60		
Minneapolis & St. Louis Railway	1.62	1.62		
Chicago, St. Paul, Minneapolis & Omaha Railroad.....	3.70	3.70		
Northern Pacific Terminal Company.....	1.82	1.80	.02	
St. Paul & Duluth Railroad.....	24.60	23.50	1.10	
Superior Short Line Railway (½ owned)	1.54		1.54	
Union Depot, St. Paul.....	.56		.56	
Southeastern Dakota Railroad.....	8.90	8.90		
Total.....	4,070.95	4,042.46	28.49	

EXPLANATORY REMARKS.

Since making the report for the year ending June 30, 1890, the entire system has been re-measured and many discrepancies discovered between the actual mileage and that shown in the last year's report:

Mileage reported June 30, 1890.....	4,042.49
Discrepancies.....	28.43
New mileage added during the year	281.61
Total.....	4,352.56
Less mileage abandoned.....	5.70
Total mileage June 30, 1891.....	4,346.86

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends Declared During Year.	
					Rate.	Amount.
Common.....	490,000	\$ 100	\$ 490,000	\$ 49,000,000.00		
Preferred	510,000	100	51,000,000	36,688,612.45	$\left\{ \begin{array}{l} 1 \\ 1 \\ 1 \\ 1 \end{array} \right.$	$\$ \begin{array}{l} 269,504 \\ 268,906 \\ 267,070 \\ 266,986 \end{array}$
Total	1,000,000	.....	\$ 100,000,000	\$ 85,688,612.45	.....	\$ 1,472,466

Manner of Payment for Capital Stock.	Total Number of Shares Issued.	Total Cash Realized.
Issued for Reorganization—Common	490,000	\$ 49,000,000
Preferred	510,000	\$1,000,000
Total.....	1,000,000	\$ 100,000,000

All stock is issued in consideration and in pursuance of the plan of re-organization adopted at a meeting of the holders of the first mortgage bonds of the former.

Organization recognized and affirmed by the court in the proceedings whereby said mortgage was foreclosed.

Copy of plan of re-organization filed with the report for the year ending June 30, 1888.

FUNDED DEBT. MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Class of Bond or Obligation.	Time.		Amount of Authorized Issue.	Amount Issued.	Amount Outstanding	Cash Realized on Amount Issued.	Rate, per cent.	Interest		
	Date of Issue.	When Due.						When Payable.	Amount Accrued During Year.	Amount Paid During Year.
General 1st mortgage.	1881	1921	\$46,945,000 00	\$46,945,000 00	\$44,482,000 00	\$44,185,200 80	6	Jan. and July	\$ 2,692,020 00	\$ 2,708,480 00
General 2d mortgage ..	1883	1983	2,000,000 00	20,000,000 00	19,626,000 00	16,485,989 76	6	April and Oct.	1,183,380 00	1,192,820 00
General 3d mortgage ..	1887	1987	12,000,000 00	11,333,000 00	11,298,000 00	9,084,921 00	6	June and Dec.	675,960 00	674,775 00
Consolidated mortgage	1889	1989	160,000,000 00	24,987,000 00	42,187,000 00	87,817,590 32	6	June and Dec.	1,448,371 82	1,294,845 42
Missouri div. mortgage.	1879	1919	2,500,000 00	2,500,000 00	1,965,000 00	2,499,788 00	6	May and Nov.	120,650 00	119,745 00
P. d'Oreille mortgage ..	1879	1919	4,500,000 00	4,500,000 00	1,848,000 00	4,325,399 75	6	March and Sep. ..	91,133 46	99,460 00
Div. certif's extended .	1887	1907	4,640,821 20	4,640,821 20	645,500 00	4,640,821 20	6	Jan. and July	40,969 00	48,840 23
Grand Total			\$250,538,821 20	\$182,608,821 20	\$121,961,500 00	\$118,986,850 88			\$ 6,247,094 28	\$ 6,181,663 65

Consolidated mortgage is intended to retire prior mortgages.

FUNDED DEBT—Continued.**EQUIPMENT TRUST OBLIGATIONS—GENERAL STATEMENT.**

Series or Other Designation.	Date of Contract.	Term.	Number of Payments.	Equipment Covered.
Northwestern Equipt. Co.	1888	10 years.	One.	82 Locomotives. 2630 Box Cars. 500 Coal Dump Cars. 550 Furniture Cars. 10 Passenger Cars. 50 Refrigerator Cars. 5 Express Cars. 20 Emigrant Cars. 6 Mail & Exp. Cars.

STATEMENT OF AMOUNT.

Series or Other Designation.	Deferred Payments—Principal.		Deferred Payments—Interest.		
	Original Amount.	Amount Outstanding.	Amt. Accrued During Year.	Amt. Paid During Year.	Rate. Per Cent.
Northwestern Equipt. Co..	\$ 2,000,000 00	\$ 2,000,000 00	\$ 210,000 00	\$ 210,000 00	7

EXPLANATORY REMARKS.

Contract mentioned above provides for the purchase by the Northern Pacific Railroad company of the equipment described, in October, 1898, the railroad company depositing with the trustee annually an amount in cash or bonds equal to 10 per cent. of the purchase price, as collateral security for the purchase at date stated. In the meantime the railroad company pays as rental for use of the equipment 7 per cent. per annum on cost and collects interest on bonds held by trustee.

RECAPITULATION OF FUNDED DEBT.

Class of Debt.	Amount Issued.	Amount Outstanding.	Interest.	
			Amount Accrued During Year.	Amount Paid During Year.
Mortgage bonds	\$122,608,821 20	\$121,961,500 00	\$6,247,074 28	\$6,181,668 65
Miscel. Obligations...	2,000,000 00	2,000,000 00	210,000 00	210,000 00
Total	\$ 125,608,821 20	\$ 124,961,500 00	\$ 6,457,074 28	\$ 6,391,668 65

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.	Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....	\$ 2,408,810 84	Loans and bills payable.....	\$
Bills receivable.....	6,411,385 09	Audited vouchers and accounts	11,850,000 00
Due from agents.....	740,550 98	Wages and salaries.....	2,999,780 46
Net traffic balances due from other companies.....	222,880 52	Dividends not called for	1,828,789 94
Due from solvent companies and individuals.....	3,151,886 99	Matured interest coupons unpaid (including coupons due July 1).....	7,812 00
Other cash assets, (excluding "materials and supplies")*		Rentals due July 1, (guarantee branch roads).....	1,545,028 80
Balance—current liabilities.....	4,381,506 28		88,780 00
Total.....	\$ 17,815,671 20	Total	\$ 17,815,671 20

*Materials and supplies on hand, \$2,149,257.72.

RECAPITULATION.
FOR MILEAGE OWNED.

Account.	Total amount out- standing.	Amount per mile of road.	
		Miles.	Amount.
Capital Stock.....	\$ 85,658,612 45	3,234.82	\$ 26,168 64
Bonds	121,931,509 00	3,234.82	37,256 10
Equipment trust obligations	3,000,000 00	3,234.82	916 50
Total.....	\$ 210,610,112 45	3,234.82	\$ 65,107 21

**RECAPITULATION.
FOR MILEAGE OPERATED.**

Name of Road.	Capital Stock.	Funded Debt.	Total.	Amount per Mile of Road.	
				Miles.	Amount.
Northern Pacific Railroad Co. and branch lines owned....	\$ 86,688,612 45	\$ 124,951,500 00	\$ 210,610,112 45	3,234.82	\$ 65,107 21
James River Valley railroad	1,000,000 00	968,000 00	1,968,000 00	63.75	30,722 14
Spokane & Palouse Railway Co	1,000,000 00	1,766,000 00	2,766,000 00	111.52	24,802 72
Duluth & Manitoba Railroad Co	2,000,000 00	3,101,000 00	5,101,000 00	205.77	24,789 81
Helena & Red Mountain Railroad Co	400,000 00	400,000 00	800,000 00	17.08	46,888 41
Central Washington Railroad Co	1,500,000 00	1,750,000 00	3,250,000 00	108.54	29,942 88
Northern Pacific & Montana Railroad Co	1,878,600 00	5,381,000 00	7,259,600 00	313.54	22,790 23
Coeur d'Alene Railway & Navigation company	1,000,000 00	1,285,000 00	2,285,000 00	88.51	53,114 71
St. Paul & Northern Pacific railway	6,260,000 00	8,428,000 00	14,673,000 00	181.70	80,763 99
Total	\$ 100,687,212 45	\$ 147,872,500 00	\$ 248,600,712 45	4,280.23	\$ 59,096 17

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS.

Item.	Expenditures During Year.		Total Cost to June 30, 1900.	Total Cost to June 30, 1901.	Cost Per Mile.
	Not Included in Operating Expenses.				
	Charged to Income Account as Permanent Improvements.	Charged to Construction or Equipment.			
Construction—					
Franchise, railroad equipment and lands acquired under decree of court.....	.....	\$ 761,450 47	\$ 70,231,641 64	\$ 69,520,191 17	.....
Right of way .....	.....	8,409 39	292,628 10	301,037 49	.....
Other real estate.....	.....	46,968 99	194,145 61	241,114 60	.....
Fences .....	.....	19,280 00	238,898 13	308,108 13	.....
Grading and bridge and culvert masonry.....	\$ 61,664 63	210,292 47	30,753,844 12	20,964,136 59	.....
Bridges and trestles	5,555 32	46,989 14	8,812,624 31	8,858,563 45	.....
Rails .....	.....	196,498 26	11,847,592 39	12,044,048 64	.....
Ties .....	.....	8,576 94	2,218,729 33	2,227,307 27	.....
Other superstructure.....	.....	18,944 06	4,199,304 06	4,208,248 14	.....
Buildings, furniture and fixtures.....	.....	637,146 21	5,549,205 04	6,175,351 25	.....
Shop machinery and tools.....	.....	156,799 38	166,068 51	322,888 34	.....
Engineering expenses .....	.....	28,725 15	2,831,894 96	2,960,610 11	.....
Interest during construction .....	.....	8,596 19	4,543,478 34	4,554,882 15	.....

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses.				
	Charged to Income Account as Permanent Improvements.	Charged to Construction or Equipment.			
Discount on securities sold for construction.....	\$ 2,838,331 96	\$ 17,087,590 67	\$ 19,450,912 64	.....
Telegraph line.....	19,064 38	278,968 04	297,969 42	.....
Wharfing, etc.....	194,025 80	445,478 22	639,504 02	.....
Sidings and yard extensions.....	282,798 88	1,646,310 92	1,899,104 75	.....
Terminal facilities and elevators.....	440,802 10	467,567 09	27,264 99	.....
Branch lines.....	5,215,677 31	10,960,089 08	16,165,716 34	.....
Purchase of constructed road, ½ int. 23½ miles S. P. & D..
Other items.....	\$ 60,000 00	236,464 98	2,658,968 98	2,896,451 86	.....
Total construction.....	\$ 127,239 96	\$ 8,448,547 92	\$ 165,976,890 44	\$ 174,427,408 36	\$ 53,921 88
Equipment—
Locomotives.....	756,339 06	4,614,976 00	5,371,305 09	.....
Passenger cars.....	117,072 90	842,368 57	949,459 47	.....
Sleeping, parlor and dining cars.....	2,686 68	733,676 61	786,313 29	.....
Baggage, express and postal cars.....	700 00	294,116 35	294,816 35	.....

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses.				
	Charged to Income Account as Permanent Improvements.	Charged to Construction or Equipment.			
Combination cars.....	.....	.....	\$ 91,835 00	\$ 91,835 00	.....
Freight cars.....	.....	\$ 1,254,108 10	6,377,508 65	7,633,616 75	.....
Other cars of all classes .....	.....	64,830 87	760,451 40	825,302 36	.....
Floating equipment .....	.....	.....	3,082,528 48	3,082,528 48	.....
	\$ 26,400 00	26,000 00	428,968 46	428,968 46	.....
Total equipment.....	\$ 26,400 00	\$ 2,212,697 03	\$ 17,171,459 61	\$ 19,384,187 24	\$ 5,993 35
Grand total cost construction, equipment, etc.....	\$ 133,689 95	\$ 10,661,246 35	\$ 138,150,360 05	\$ 152,311,595 60	\$ 59,914 18

EXPLANATORY REMARKS.

Cost per mile is based on 2,294.82 miles, the mileage of the Coeur d'Alene railway being omitted for the reason that while this company owns the entire capital stock, it does not own all the bonds, consequently the cost of property shown does not include the cost of the road.

INCOME ACCOUNT.

[For roads making operating reports.]

Gross earnings from operation	\$ 25,898,999 20	
Less operating expenses	15,050,612 72	
Income from operation.....		\$ 10,848,386 48
Dividends on stocks owned.....	\$ 695,248 67	
Interest on bonds owned	5,296 08	
Miscellaneous income—less expenses.....	627,953 44	
Income from other sources		1,326,500 13
Total income.....		\$ 11,677,486 61
Deductions from income—		
Interest on funded debt accrued	\$ 6,457,074 28	
Rents	2,083,755 99	
Taxes	400,594 44	
Permanent improvements	158,689 95	
Other deductions.....	658,666 40	
Total deductions from income.....		8,708,780 06
Net income		\$ 1,919,706 55
Dividends, 4 per cent., preferred stock, quarterly—four quarters.....	\$ 1,472,406 00	
Total.....		1,472,406 00
Surplus from operations of year ending June 30, 1901....		\$ 436,296 55
Less charged in profit and loss, previous years (see next page).....		100,147 50
Surplus on June 30, 1890.....	\$ 1,576,908 72	\$ 336,139 05
Surplus on June 30, 1890 (accumulated sinking fund)....	2,420,512 67	4,997,512 39
Surplus on June 30, 1901.....		\$ 5,334,671 44

EXPLANATORY REMARKS.

The operation of the consolidated mortgage practically converts the funded debt from a sinking fund to a non-sinking fund debt, and necessitates following transfers, as of June 30, 1890.

Balance profit and loss June 30, 1890	\$1,576,998 72
Account sinking fund transferred	3,420,518 65
Total	\$4,997,512 37
Sinking fund accrued prior to June 30, 1890, improperly charged profit and loss	\$109,752 50
Bonds in sinking fund computed at 1.10, as per mortgage now reduced to par	209,900 00
	100,147 50
Correct balance as of June 30, 1890	\$4,897,364 87

EARNINGS FROM OPERATION.

STATE OF NORTH DAKOTA.

Item.	Total Receipts.	Deductions, Accounts of Repayments, etc.	Actual Earnings.
Passenger—			
Passenger revenue	\$ 853,765 94		
Less repayments—			
Tickets redeemed		\$ 4,063 54	
Excess fares refunded		1,080 68	
Other repayments		5,872 47	
Total deductions		\$ 10,486 68	
Total passenger revenue			\$ 843,279 26
Mail			110,827 58
Express			64,489 01
Extra baggage and storage			12,179 37
Other items			21,063 56
Total passenger earnings			\$ 1,062,858 78
Freight—			
Freight revenue	3,045,717 96		
Less repayments—			
Overcharge to shippers		\$9,613 05	
Total deductions		\$ 99,613 05	

EARNINGS FROM OPERATION—*Continued.*

STATE OF NORTH DAKOTA.

Item.	Total Receipts.	Deductions, Account of Repayments, etc.	Actual Earnings.
Total freight revenue.....			\$ 3,006,104 91
Other items.....			58 31
Total freight earnings			\$ 3,006,163 22
Total passenger and freight earnings.....			\$ 4,059,022 00
Other earnings from operation— /			
Car mileage—balance.....	\$ 6,883 41		
Switching charges—balance	686 78		
Telegraph companies.....	6,677 68		
Rents not otherwise provided for	3,789 01		
Total other earnings.....			17,986 88
Total gross earnings from operation—North Dakota			\$ 4,077,008 88
Total gross earnings from operation—Entire line.....			\$ 25,396,999 20

EXPLANATORY REMARKS.

Division of entire line earnings above is as under:

Rail earnings	\$25,334,979 44
Coeur d'Alene Water Lines.....	64,019 76
Total	\$25,398,999 20

STOCKS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Preferred stock.....	\$ 5,954 08	4	\$ 412 00	\$5,954 08
Northern Pacific, Fergus & Black Hills Rail- road	15,000,000 00			50,000 00
Northern Pacific Coal company.....	600,000 00			579,186 00
Northern Pacific Express company	325,000 00		153,627 75	335,000 00
Lake Superior Terminal & Transfer Railway company.....	15,700 00			15,700 00
Superior Consolidated Land company.....	596,509 00			596,500 00
Tacoma Land company.....	500,050 00			250,025 00
St. Paul & Northern Pacific Railway company	3,901,300 00	6	537,008 92	1,796,900 00
Montana Union Railway company.....	425,000 00			425,000 00
Northern Pacific & Montana Railway com- pany (subs.).....	50,000 00			50,000 00
Coeur d'Alene Railway & Navigation company	1,000,000 00			250,000 00
Minnesota Transfer Railway company.....	7,000 00			7,000 00
Seattle, Lake Shore & Eastern Railway com- pany.....	3,162,650 00			1,423,192 50
Yellowstone Park association.....	200,495 09			200,495 09
St. Paul Union Depot Company.....	70,000 00	6	4,200 00	70,000 00
Duluth Union Depot company	125,000 00			125,000 00
Virginia Land & Townsite company.....	249,800 00			11,650 00
Northern Pacific, Yakima & Kittitas Irriga- tion company	50,000 00			50,000 00
World's fair, subscription to.....	13,333 33			13,333 33
Cost.....	\$6,246,916 61			
Total	\$26,197,782 45		\$605,248 67	\$6,246,916 61

BONDS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Minnesota Transfer Railway company.....	\$ 101,000 00	5	\$ 980 02	\$ 101,000 00
St. Paul Eastern Grand Trunk Railway com- pany.....	10,000 00	6	600 00	9,593 08
General 2d mortgage bonds. (Wood Insur- ance Fund).....	10,000 00	6	600 00	9,381 25
General 3d mortgage bonds.....	7,000 00	5	210 00	7,000 00
Soldiers' Additional Homestead scrip. (Cost).	6,768 12			6,768 12
St. Paul & Northern Pacific Railway company bonds.....	174,000 00		2,900 60	200,890 00
Cost	\$334,134 45			
Total	\$ 308,768 12		\$ 5,298 00	\$ 324,134 45

RENTALS RECEIVED.

RENTS RECEIVED FROM LEASE OF TRACKS, YARDS AND TERMINALS.

Designation of Property.	Situation of Property Leased.	Name of Company Using Property Leased.	Item.
Tracks, yards and terminals...	St. Paul to Minneapolis....	Minn. & St. L. Ry...	\$ 50,681 01
Yards and terminals	St. Paul to Minneapolis....	M. S. St. M. & A. Ry	61,765 94
Yards and terminals.....	St. Paul to Minneapolis....	C., St. P. & K. C.....	38,908 52
Yards and terminals	St. Paul.....	St. P. & S. C. F. Ry..	4,547 30
Tracks.....	St. Paul.....	Wis. Cen. Co	14,965 40
Tracks, yards and terminals...	Minneapolis	Minn. & Pac. Co.....	4,063 19
Tracks.....	Fergus Falls & Bre'k'nridge	Gt. Nor. Ry Co.....	9,555 00
Tracks.....	West Superior.....	C., St. P., M. & O. R'd	249 12
Tracks.....	West Superior.....	Eastern R'y of Minn.	3,000 00
Yards and terminals.....	Iron River to Duluth	D., S. S. & A. R. R..	36,482 40
Tracks.....	Little Falls ..	St. P. & Nor. Pac. Co	1,300 00
Tracks.....	Washington	Clealum R. R.....	12,800 77
Tracks.....	Duluth	D. & W. R. R	436 56
Grand total rentals received			\$247,455 11

MISCELLANEOUS INCOME.

Item.	Gross Income.
Interest on yard property, St. Paul	\$ 26,250 00
Rent of grounds to private parties	16,886 75
Rocky Park Coal company	12,333 33
Interest on cost St. Louis river bridge, used in common with other roads	12,860 05
Net earnings Yeater wharf	7,310 19
Sale of land at Marshall Grade	2,590 06
Unclaimed wages	14,906 21
Pullman Palace Car company. Adjustment of account	46,450 79
Sundry accounts	3,763 74
Adjustment Wisconsin Central rental	5,687 54
Land receipts applicable to sinking fund	478,912 84
Total	\$627,953 44

OPERATING EXPENSES.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Maintenance of way and structures—			
Repairs of roadway	\$ 720,522 20	\$ 1,279,914 61	\$ 2,000,436 81
Renewals of rails	65,467 40	135,530 43	200,997 83
Renewals of ties	200,784 04	337,771 26	538,555 30
Repairs of bridges and culverts	343,716 18	607,945 57	951,661 75
Repairs of fences, road-crossings, signs and cattle guards	20,587 86	45,315 05	65,902 91
Repairs of buildings	89,468 57	169,546 56	259,015 13
Repairs of docks and wharves	9,786 42	19,153 08	28,939 50
Repairs of telegraph	10,867 68	20,649 44	31,517 12
Other expenses	20,225 85	36,996 16	57,222 01
Total	\$ 1,481,826 20	\$ 2,652,922 11	\$ 4,134,748 31
Maintenance of equipment—			
Repairs and renewals of locomotives	\$ 202,786 18	607,645 60	\$ 810,431 78
Repairs and renewals of passenger cars	378,073 97	.....	378,073 97
Repairs and renewals of freight cars .....	.....	1,000,743 97	1,000,743 97
Repairs and renewals of ferry-boats, tugs, floats and barges	1,949 87	2,889 41	4,788 78
Shop machinery, tools, etc	22,151 41	39,040 56	61,191 97
Total	\$ 599,960 93	\$ 1,650,269 54	\$ 2,250,230 47
Conducting transportation—			
Wages of enginemen, firemen and roundhouse- men	\$ 448,510 88	\$ 1,016,098 58	\$ 1,464,609 46
Fuel for locomotives	448,120 27	1,421,510 41	1,869,630 68
Water-supply for locomotives	39,826 71	75,163 80	114,990 51
All other supplies for locomotives	21,629 22	49,858 88	71,488 10
Wages of other trainmen	292,544 18	795,311 25	1,087,855 43
All other train supplies	184,837 11	112,023 30	296,860 41
Wages of switchmen, flagmen and watchmen ..	87,558 57	279,316 72	366,875 29
Expense of telegraph, including train dispatch- ers and operators	146,887 52	253,567 14	400,454 66
Wages of station agents, clerks and laborers ..	156,980 12	638,277 49	795,257 61
Station supplies	18,814 50	45,206 24	64,020 74
Switching charges—balance	6 43	28,316 98	28,323 41

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Conducting transportation—			
Loss and damage.....	\$ 58,890 13	\$ 117,338 54	\$ 171,228 67
Injuries to persons.....	82,441 13	35,900 02	118,341 15
Barges, floats, tugs, ferry-boats, expenses of, including wages, fuel and supplies.....	31,498 94	39,054 09	70,548 68
Other expenses	17,260 55	56,018 82	73,274 87
Total	\$ 2,080,296 26	\$ 4,962,957 81	\$ 6,998,254 07
General expenses—			
Salaries of officers.....	\$ 77,338 51	\$ 169,681 24	\$ 247,019 75
Salaries of clerks.....	101,172 06	238,435 74	339,607 80
General office expenses and supplies	31,550 94	69,012 65	100,563 59
Agencies, including salaries and rent	128,724 61	115,581 48	244,606 09
Advertising.....	112,176 88	666 98	112,843 81
Commissions.....	85,716 98	31,474 55	117,191 48
Insurance.....	18,068 96	43,605 15	61,689 11
Expense of traffic associations.....	4,392 73	59,839 19	64,131 92
Expense of stock-yards and elevators.....		1,178 70	1,178 70
Rents for tracks, yards and terminals.....	73,088 81	36,573 23	109,611 54
Legal expenses	34,516 88	76,649 81	111,166 64
Stationery and printing	34,172 40	69,431 42	103,603 82
Other general expenses.....	25,465 34	33,706 78	59,173 12
Total	\$ 726,249 00	\$ 946,131 87	\$ 1,672,380 87
Recapitulation of expenses—			
Maintenance of way and structures.....	\$ 1,481,326 20	\$ 2,652,822 11	\$ 4,134,148 31
Maintenance of equipment ..	599,960 93	1,650,259 54	2,250,280 47
Conducting transportation.....	2,080,296 26	4,962,957 81	6,998,254 07
General expenses	726,249 00	946,131 87	1,672,380 87
Grand Total	\$ 4,887,832 39	\$ 10,212,181 35	\$ 15,050,013 72
Percentage of expenses to earnings—entire line			59.25

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Operating expenses—State of North Dakota—			
Maintenance of way and structures.....	\$ 240,728 99	\$ 478,633 68	\$ 714,357 62
Maintenance of equipment.....	108,508 84	328,438 81	428,947 65
Conducting transportation.....	311,969 67	758,788 47	1,070,698 14
General expenses	90,086 22	159,277 22	249,363 44
Total	\$ 748,278 72	\$ 1,715,088 13	\$ 2,463,366 85
Percentage of expenses to earnings—North Dakota.....			60.42

EXPLANATORY REMARKS.

Division of operating expenses shown above is as follows:

	Passenger.	Freight.	Total.
Rail lines.....	\$ 4,822,433 17	\$ 10,182,883 68	\$ 15,005,316 85
Water transportation, Coeur d'Alene lake and river	15,399 22	29,297 65	44,697 87
Total.....	\$ 4,837,832 39	\$ 10,212,181 33	\$ 15,050,013 72

RENTALS PAID.**A. RENTS PAID FOR LEASE OF ROAD.**

Name of Road.	Interest on Bonds Guaranteed.	Cash.	Total.
St. Paul & Northern Pacific Railway company		\$ 1,024,067 94	\$ 1,024,067 94
Little Falls & Dakota Railroad company.	\$ 28,991 78	.....	.....
Northern Pacific, Fergus & Black Hills Rail- road company.....	38,644 66	.....	.....
Fargo & Southwestern Railroad company.....	28,843 20	.....	.....
Jamestown and Northern Railroad company ..	33,686 67	.....	.....
S., C. & Turtle Mountain Railroad company..	11,620 54	.....	.....
Rocky Mountain Railroad of Montana.....	16,495 11	.....	.....
Helena & Jefferson Co. Railroad company.....	6,412 98	.....	.....
Helena & Red Mountain Railroad company....	24,000 00	.....	.....
Northern Pacific & Montana Railroad company	322,146 66	.....	.....
Coeur d'Alene Railway & Navigation company	59,220 00	.....	.....
Central Washington Railroad company.....	105,000 00	.....	.....
James River Valley Railway company	57,780 00	.....	.....
Spokane & Palouse Railway company.....	95,796 50	.....	.....
Duluth & Manitoba Railroad company.....	186,080 00	.....	\$1,014,696 05
Total rents, A.....	.....	.....	\$ 2,688,755 99

B. RENTS PAID FOR LEASE OF OTHER PROPERTY.

Designa- tion of Property.	Situation of Property Leased.	Name of Company Owning Property Leased.	Item.	Total.
Tracks....	Minn'polis to St. Paul	St. Paul, M. & M. R'y...	\$ 35,857 67	
	Minneapolis	Minneapolis Union R'y..	46,516 52	
	Superior	C., St. P. M. & O. R'y...	1,921 15	
	Anacortes	Seattle & Northern R'y..	7,727 88	
Total ...				\$ 92,023 22
Terminals.	Portland	N. P. Terminal company.	\$ 15,021 65	
	Winnipeg.....	Minneapolis Transfer Co.	466 67	
	Ashland Depot....	Wisconsin Central Co....	2,100 00	
Total ...				17,588 32
Grand total rents, B				\$ 109,611 54

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1880.		Liabilities.	June 30, 1891.		Year Ending June 30, 1891.	
Item.	Total.		Item.		Increase.	Decrease.
\$ 103,978,680 44	Cost of road.....	\$ 174,427,408 86	\$	8,448,547 92	.....
17,171,489 61	Cost of equipment.....	19,884,187 24		2,212,697 63	.....
4,188,357 46	Stocks owned.....	6,246,916 61		2,068,559 15	.....
787,694 45	Bonds owned.....	394,134 45		.....	\$ 483,760 00
4,680,285 10	Branch roads—Contingent assets.....	14,700,679 00		10,020,398 90	.....
884,000 00	Farmers' Loan & Trust Co. Trus. Northwest Equipt.....	667,000 00		888,000 00	.....
	Lands owned—About 40,000,000 acres.....			.....	.....
197,667 53	Cash in hands of trustee.....	197,416 85		.....	270 68
5,561,459 60	Deferred payments—Land sales.....	5,699,890 06		86,430 45	.....
	Cash in hands of trustee Sinking fund.....	809,065 32		808,065 32	.....
9,019,145 95	Cash and current assets.....	12,994,164 97		3,715,019 02	.....
2,860,961 92	Other assets—Materials and supplies.....	2,140,257 72		.....	211,704 20
3,420,513 65	Sinking Fund.....			.....	3,420,513 65
\$ 218,920,655 71		Grand total.....	\$ 287,589,120 57	\$	28,618,464 86	.....

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.		Increase.	Decrease.
\$ 85,983,828 80	\$ 85,983,828 80	Capital stock	\$ 85,658,612 45		.....	\$ 324,711 85
112,219,778 72	112,219,778 72	Funded debt	124,951,500 00	\$ 12,731,721 28		.....
6,775,081 42	6,775,081 42	Current liabilities	17,315,671 20	10,540,889 78		.....
563,431 96	563,431 96	Accrued interest on funded debt not yet payable	563,302 50	.....		5,129 46
178,879 28	178,879 28	Rents accrued not due	56,817 75	.....		122,061 48
326,229 18	326,229 18	Guarantee to branch roads accrued, not due	517,289 81	191,060 68		.....
370,748 00	370,748 00	Dividends not due	366,989 00	.....		3,762 00
2,505,671 03	2,505,671 03	Deferred payments on land sales app. to sinking fund when collected	2,775,289 81	272,618 41		
4,997,512 37	4,997,512 37	Profit and loss	5,335,651 42	338,139 05		
		Invested in sinking fund				
		Surplus				
		Grand total	\$ 287,539,120 57	\$ 28,618,464 86		.....
	\$ 218,920,655 71					

IMPORTANT CHANGES DURING THE YEAR—STATE OF NORTH DAKOTA.

Extension of Southeastern Dakota railroad, 5 94 miles to Bayne.

BONDS ISSUED.

Item.	Amount.
General 3d mortgage	\$ 100,000 00
Consolidated mortgage	16,337,721 28
Total	\$ 16,446,721 28

BONDS CANCELLED.

Missouri div. bonds	\$ 165,000 00	
Pend d'Oreille div. bonds	576,000 00	\$ 741,000 00
Bonds retired by sinking fund—General 1st mortgage	2,461,000 00	
Bonds retired by sinking fund—General 2d mortgage	374,000 00	2,835,000 00
Third mortgage bonds retired by issue of consuls		85,000 00
Dividend certificates cancelled		104,000 00
Total		\$

SECURITIES PURCHASED.

Northern Pacific preferred stock	\$ 3,028 32
Northern Pacific Express Company stock	25,000 00
St. Paul & Northern Pacific Railway stock	798,000 00
Superior Consolidated Land Company stock	1,400 00
S. Lake Shore & Eastern Railway Company stock	1,173,192 50
Duluth Union Depot Company stock	125,000 00
Virginia Land & Townsite Company stock	11,650 00
Northern Pacific, Yak. & K. Irrigation Company stock	50,000 00
World's Fair stock	13,333 33
St. Paul & Northern Pacific Railway Company bonds	200,390 00
Total	\$ 2,401,794 15

IMPORTANT CHANGES DURING THE YEAR—STATE OF NORTH DAKOTA—*Continued.*

SECURITIES SOLD.

Item.	Amount.
Lake Superior & Puget Sound Land Company stock	\$ 112,845 00
Minneapolis Transfer Railway Company bonds	8,000 00
General 3d mortgage bonds	22,000 00
Dividend certificates ext	6,500 00
Northern Pacific & Montana Railroad bonds	617,650 00
Total	\$ 796,995 00

CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSI- NESS WITHIN STATE OF NORTH DAKOTA.

EXPRESS COMPANIES.

The Northern Pacific Express company runs over all lines operated by this company, paying one and one-half first-class rates except in a few instances.

MAILS.

Have no contracts for transportation of mails. The government pays a specified rate per mile per annum, based on the average weight of mail carried on different sections of the road.

SLEEPING, PARLOR OR DINING CAR COMPANIES.

Sleeping cars are owned by the Northern Pacific Railroad company and Pullman Palace Car company jointly, operated by the latter company, and the earnings and expenses shared equally by both.

Dining cars are owned and operated by the Northern Pacific Railroad company.

TELEGRAPH COMPANIES.

With Western Union Telegraph company to build two wire lines, Northern Pacific Railroad company to pay one-third the expense; additional wires to be supplied by the company requiring them. Railroad company to keep lines in repair.

Telegraph receipts, with the exception of certain offices, are to be divided, one-third to railroad company and two-thirds to telegraph company.

Railroad company pays operators at all offices where the business does not exceed twenty paid messages daily.

SECURITY FOR FUNDED DEBT.

Class of bond or obligation—First mortgage bonds, Missouri division, from Missouri river to Yellowstone river, 205 miles, \$12,195.12 per mile. Security—Road, appurtenances and lands pertaining to said division is the security for payment of principal and interest.

Class of bond or obligation—First mortgage bonds, Pend d'Oreille division, from Snake river to Lake Pend d'Oreille, 225 miles, \$20,000 per mile. Security—Road, appurtenances and lands pertaining to said division.

Class of bond or obligation—General first mortgage bonds, from Ashland to Wallula and Portland (see note below), \$25,000 amount of mortgage per mile of line. Security—Entire main line and appurtenances, equipment, lands, franchise and all other property now held or hereafter acquired, subject to the rights of preferred stockholders in the lands in Minnesota and Dakota, east of the Missouri river, subject also to the two mortgages above mentioned.

Class of bond or obligation—General second mortgage bonds, from Ashland to Wallula and Portland. Security—Same terms as general first mortgage, including a lien upon the income, earnings and profits of the company, subject to prior liens above mentioned.

Class of bond or obligation—General third mortgage bonds, from Ashland to Wallula and Portland. Security—Same terms as general second mortgage.

Class of bond or obligation—Consolidated mortgage bonds. Security—All property, rights and franchises of the company now owned or hereafter acquired, subject to prior mortgages.

Class of bond or obligation—Dividend certificates extended. Security—Not secured; can be exchanged for third mortgage bonds.

Class of bond or obligation—Northwestern Equipment company. Equipment described on page 41.

EXPLANATORY REMARKS.

General first mortgage bonds were issued at the rate of \$25,000 per mile, on 2,136.98 miles—\$53,424,000, of which \$6,481,000 were held in escrow, there being a corresponding amount of Missouri & Pend d'Oreille bonds outstanding at date of general first mortgage, January 1, 1881.

When Missouri & Pend d'Oreille division bonds are retired with proceeds from land sales, a corresponding amount of first mortgage bonds held in escrow, are also retired.

The entire mileage bonded is 2,136.98 miles, though according to the terms of the mortgages the entire property of the company is covered by them.

Consolidated mortgage bonds can be issued only as follows :

To retire 1st, 2d and 3d mortgage bonds.....	\$75,000,000 00
To retire branch road bonds.....	26,000,000 00
For improvements and betterments and enlargement of terminals.....	20,000,000 00
For additional roads and extensions.....	20,000,000 00
For premium on bonds exchanged.....	10,000,000 00
For other purposes as the board may direct	9,000,000 00
Total.....	\$160,000,000 00

EMPLOYES AND SALARIES—STATE OF NORTH DAKOTA.

Class.	Num- ber.	Total Number of Days Worked.	Total Yearly Compensation.	Average Daily Compensation.
General officers.....	6	1,878	\$ 15,040 00	\$ 7 69
General office clerks	14	4,882	18,962 67	8 19
Station Agents	71	22,228	50,156 08	2 25
Other station men	76	28,788	45,449 98	1 91
Enginemen.....	83	25,979	125,091 12	4 81
Firemen.....	83	25,979	65,968 61	2 54
Conductors.....	78	24,414	81,805 91	3 33
Other trainmen.....	147	46,011	102,558 76	2 23
Machinists	41	12,833	34,668 97	2 70
Carpenters	63	19,719	45,988 33	2 33
Other shopmen.....	133	41,629	96,212 15	2 29
Section foremen	136	42,568	82,859 05	1 98
Other trackmen.....	435	136,155	206,969 70	1 52
Switchmen, flagmen and watchmen.....	61	19,093	47,407 36	2 48
Telegraph operators and dispatchers	46	14,393	36,065 70	2 50
All other employees and laborers	163	51,019	91,964 53	1 80
Total (including "General Officers")—North Dakota	1,636	512,068	\$ 1,140,128 92	\$ 2 22
Less "General Officers".....	6	1,878	15,040 00	7 69
Total (excluding "General Officers")—North Dakota	1,630	510,190	\$ 1,125,088 92	2 20
Distribution of above—				
General administration	54	16,912	\$ 47,126 06	\$ 2 79
Maintenance of way and structures	708	220,089	373,967 26	1 70
Maintenance of equipment.....	234	73,342	166,604 88	2 28
Conducting transportation.....	645	201,895	552,385 77	2 74

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic—		
Number of passengers carried earning revenue.....	272,098	\$
Number of passengers carried one mile.....	87,449,585	.....
Average distance carried.....	187.6	.....
Total passenger revenue.....		848,279.26
Average amount received from each passenger.....		3.09
Average receipts per passenger per mile.....		.0225
Estimated cost of carrying each passenger one mile.....		.01099
Total passenger earnings		1,052,858.78
Passenger earnings per mile of road (average).....	880.2	1,238.97
Passenger earnings per train-mile		1.82863
Freight traffic—		
Number of tons carried of freight earning revenue.....	1,048,871	.....
Number of tons carried one mile.....	252,340,147	.....
Average distance haul of one ton.....	221.6	.....
Total freight revenue		3,006,104.91
Average amount received for each ton of freight.....		2.87
Average receipts per ton per mile .....		.0129
Estimated cost of carrying one ton one mile .....		.00788
Total freight earnings		3,006,163.22
Freight earnings per mile of road	880.2	3,494.72
Freight earnings per train-mile.....		1.87661
Passenger and freight—		
Passenger and freight revenue.....		3,849,384.17
Passenger and freight revenue per mile of road.....	880.2	4,474.98
Passenger and freight earnings		4,059,023.00
Passenger and freight earnings per mile of road.....	880.2	4,718.09
Gross earnings from operation.....		4,077,008.68
Gross earnings from operation per mile of road.....	880.2	4,789.60
Expenses.....		2,468,866.85
Expenses per mile of road....	880.2	2,863.71

**PASSENGER AND FREIGHT, AND TRAIN MILEAGE—
STATE OF NORTH DAKOTA—Continued.**

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train mileage—		
Miles run by passenger trains.....	792,440	.....
Miles run by freight trains.....	1,601,914	.....
Total mileage of trains earning revenue	2,394,354	.....
Miles run by construction and other trains.....	34,408	.....
Grand total train mileage	2,428,762	.....
Mileage of loaded freight cars—west	14,164,356	.....
Mileage of loaded freight cars—east.....	10,321,373	.....
Mileage of empty freight cars—west	2,456,022	.....
Mileage of empty freight cars—east	5,874,888	.....
Average number of freight cars in train	20.42	.....
Average number of loaded cars in train.....	15.22	.....
Average number of empty cars in train.....	5.20	.....
Average number of tons of freight in train	145.00	.....
Average number of tons of freight in each loaded car...	9.52	.....

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic :		
Number of passengers carried earning revenue.....	3,112,122	
Number of passengers carried one mile	244,321,202	
Average distance carried	78.5	
Total passenger revenue		* 6,443,633.49
Average amount received from each passenger		2.07
Average receipts per passenger per mile .....		.02637
Estimated cost of carrying each passenger one mile ..		.01960
Total passenger earnings		* 7,520,800.81
Passenger earnings per mile of road	422,220	1,781.27
Passenger earnings per train-mile	4,794,183	1.56875
Freight traffic :		
Number of tons carried of freight earning revenue....	4,398,819	
Number of tons carried one mile	1,268,266,789	
Average distance haul of one ton	286.7	
Total freight revenue		17,388,954.97
Average amount received for each ton of freight		\$ 96
Average receipts per ton per mile .....		.01282
Estimated cost of carrying one ton one mile .....		.00612
Total freight earnings		* 17,401,920.98
Freight earnings per mile of road	422,220	4,121.53
Freight earnings per train-mile	8,600,880	2.00925
Passenger and freight:		
Passenger and freight revenue		* 23,832,588.46
Passenger and freight revenue per mile of road	422,220	5,644.59
Passenger and freight earnings		24,922,811.79
Passenger and freight earnings per mile of road	422,220	6,015.53
Gross earnings from operations		* 25,398,999.20
Gross earnings from operation per mile of road	422,220	6,015.53
Expenses		§ 15,060,013.72
Expenses per mile of road	422,220	3,564.50

* Includes lake and river earnings, Coeur d'Alene Railway & Navigation company.

§ Includes lake and river expenses, Coeur d'Alene Railway & Navigation company.

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train Mileage :		
Miles run by passenger trains	4,794,183	
Miles run by freight trains	8,660,880	
Total mileage trains earning revenue.....	13,455,063	
Miles run by construction and other trains.....	315,448	
Grand total train mileage.....	13,770,511	
Mileage of loaded freight cars—North or west.....	72,626,778	
Mileage of loaded freight cars—South or east.....	57,578,886	
Mileage of empty freight cars—North or west.....	16,670,083	
Mileage of empty freight cars—South or east.....	28,715,112	
Average number of freight cars in train.....	26.27	
Average number of loaded cars in train.....	15.08	
Average number of empty cars in train.....	5.24	

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA.

[Company's Material Excluded.]

Commodity.	Freight Originating on this Road.	Freight Received from Con- necting Roads and Other Carriers.	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Products of Agriculture—	Whole Tons	Whole Tons		
Grain	332,225	469	332,694	31.7
Flour	24,918	81	24,999	2.4
Other mill products	8,867	296	9,153	.9
Hay	5,765	181	5,946	.6
Fruit and vegetables	11,640	12	11,652	1.1
Products of Animals—				
Live stock	70,913	159	71,072	6.8
Dressed meats	4,822	1	4,823	.4
Other packing-house products	10,688	5	10,693	1.0
Poultry, game and fish	3,770	13	3,783	.4
Wool	4,097	79	4,176	.4
Hides and leather	1,424	16	1,440	.1
Products of Mines—				
Anthracite coal	19,014	.....	19,014	1.3
Bituminous coal	31,042	.....	31,042	2.9
Coke	5,528	.....	5,528	.5
Ores	65,970	.....	65,970	6.2
Stone, sand and other like articles	3,763	20	3,783	.4
Products of Forest—				
Lumber, and other forest products	122,340	16	122,356	11.6
Manufactures—				
Petroleum and other oils	15,899	.....	15,899	1.5
Sugar	5,445	.....	5,445	.5
Iron, pig and bloom	1,173	.....	1,173	.1
Iron and steel rails	12,706	.....	12,706	1.2
Other Castings and machinery	30,413	66	30,479	2.9

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA—Continued.

[Company's material excluded.]

Commodity.	Freight Originating on this Road.	Freight Received from Con- necting Roads and Other Carriers.	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Bar and sheet metal.....	5,442	.....	5,442	.5
Cement, brick and lime	7,796	.....	7,796	.7
Agricultural implements.....	6,095	140	6,235	.6
Wagons, carriages, tools, etc.....	5,572	14	5,586	.5
Wines, liquors and beers.....	12,876	27	12,903	1.2
Household goods and furniture	15,453	687	16,140	1.5
Merchandise.....	112,027	187	112,214	10.7
Miscellaneous—Other commodities not men- tioned above	87,941	112	88,053	8.8
Total tonnage, North Dakota.....	1,046,089	2,582	1,048,671	100.

DESCRIPTION OF EQUIPMENT.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Locomotives—						
Passenger	15	74	73	Westinghouse	....	.....
Freight	73	392	389	Westinghouse	.....	.....
Switching .....	.....	29	16	Westinghouse	.....	.....
Leased .....	.....	108	108	Westinghouse	.....	.....
Total	88	608	596			
Cars in passenger service—						
First-class passenger cars	16	69	69	Westinghouse	69	{ Cowell, 27. Miller, 42.
Second-class passenger cars	9	50	50	Westinghouse	50	Miller.
Combination passenger cars	4	20	20	Westinghouse	20	Miller.
Emigrant cars .....	.....	40	40	Westinghouse	40	Miller.
Dining cars .....	.....	24	24	Westinghouse	24	{ Cowell, 10. Miller, 14.
Sleeping cars .....	.....	45	45	Westinghouse	45	Miller.
Baggage, express and postal cars	3	98	98	Westinghouse	98	Miller.
Business cars	1	16	16	Westinghouse	16	Miller.
Total	53	362	362		362	

[illegible]

MILEAGE.
MILEAGE OF ROAD OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Contract, etc.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed During Year.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....	2,157.14	27.27	1,106.92	1,006.90	98.63	4,349.86	281.33	216.63	4,133.23
Miles of second track.....	10.80	.88	...	80.80	7.70	49.33	.....	.....	49.33
Miles of third track.....	.....	.....	.....	.....	7.70	7.70	.....	.....	7.70
Miles of fourth track.....	.....	.....	.....	.....	7.70	7.70	.....	.....	7.70
Miles of yard track and sidings.....	402.91	28.02	109.14	189.84	.....	685.91	20.87	297.65	388.26
Total mileage operated (all tracks).....	2,556.55	56.12	1,216.06	1,177.04	91.73	5,069.50	283.40	514.28	4,555.22

MILEAGE OF LINE BY STATES AND TERRITORIES.
MILEAGE OPERATED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Contract, etc.	New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Wisconsin.....	78.68	8.72	.....	.....	.....	87.35	1.54	.....	88.89
Minnesota.....	227.17	5.96	208.56	291.23	21.71	742.89	41.50	4.29	780.10
North Dakota.....	376.83	.97	323	159.99	5.94	960.79	.....	128.84	711.95
Montana.....	733.09	5.95	118.62	335.02	122.03	1,243.26	.....	60.06	1,183.20
Idaho.....	84.63	.....	52.90	7.09	.....	144.62	.....	9.30	135.92
Washington.....	538.23	5.44	142.80	213.97	109.80	896.94	24.27	13.96	909.35
Oregon.....	38.56	.26	.....	.....	2	38.82	1.32	.26	39.88
Manitoba.....	.....	.....	233.54	.....	.....	233.54	.....	.....	233.54
Total mileage operated (single tract).....	2,137.14	27.27	1,108.92	1,006.90	261.53	4,290.23	68.63	216.63	4,132.23

MILEAGE OWNED.

State or Territory.	Line Represented by Capital Stock.		Total Mileage, Excluding Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.		Iron.	Steel.
Wisconsin.....	78.68	8.72	87.85	.....	87.85
Minnesota	287.17	5.98	248.10	4.20	289.81
North Dakota	876.88	.97	877.90	.97	876.83
Montana.....	788.09	5.95	789.04	.....	789.04
Idaho.....	84.68	.....	84.68	.....	84.68
Washington.....	588.28	5.44	548.67	.79	542.88
Oregon.....	88.56	.26	88.82	.26	88.56
Total mileage owned (single track).....	2,137.14	27.27	2,164.41	6.81	2,158.10

RENEWALS OF RAILS AND TIES—STATE OF NORTH DAKOTA.

New Rails Laid During Year.				New Ties Laid During Year.		
Kind.	Tons.	Weight Per Yard.	Average Price per Ton at Distributing Point.	Kind.	No.	Average Price at Distribut'g Point.
Steel	10,545.71	66 lbs.	\$ 33 28	Oak	242,946	39
				Pine	43,402	27
				Tamarac.....	80,480	34
				Miscellaneous	15,147	68
Total Steel	10,545.71	66 lbs.	\$ 33 28		382,065	37, ¹ / ₂

CONSUMPTION OF FUEL BY LOCOMOTIVES — STATE OF NORTH DAKOTA.

Locomotives.	Coal, Tons—Bituminous.	Wood—Cords.		Total Fuel Consumed Tons.	Miles Run	Average Pounds Consumed per Mile.
		Hard.	Soft.			
Passenger	25,696	96	867	26,198	804,887	65.08
Freight.....	79,304	216	1,944	80,530	1,896,520	87.47
Switching	2,741	36	328	2,929	118,245	49.54
Construction.....	5,834	7	58	5,858	377,615	31.08
Total	113,465	355	3,197	115,900	3,187,267	78.50
Average cost at distributing point	\$ 2 98	\$ 2 18	\$ 2 18			

ACCIDENTS TO EMPLOYEES—STATE OF NORTH DAKOTA.

Kind of Accident.	Employees.							
	Trainmen.		Switchmen, Flagmen and Watchmen.		Other Employees.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Coupling and uncoupling...		11	1	6			1	17
Falling from trains and engines		1				3		4
Overhead obstructions.....		1		1				2
Collisions.....		3						3
*Other train accidents		1						1
At stations		8		2	2	33		46
‡Other causes.....				2	1	7		9
Total		25	1	9	3	43	4	82

ACCIDENTS TO PASSENGERS AND OTHERS—STATE OF NORTH DAKOTA.

Kind of Accident.	Passengers.		Others.					
			Trespassing.		Not Trespass'ng		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Derailments		3						
At highway crossings						1		1
At stations			1	4			1	4
Other causes.....		2	1				1	
Total		5	2	4		1	2	5

EXPLANATORY REMARKS.

- * Train broke in two parts.
- ‡ 1 killed. Asleep on track.
- 1 killed. Repairing bridge.
- 2 injured. Insane; jumped from train.
- 1 injured. Assisting to remove stock from bridge.
- 1 injured. Caught between car and building.
- 1 injured. Struck by track spike.
- 1 injured. Struck by pick.
- 2 injured. Handling timber.
- 1 injured. Handling freight.
- 1 injured. Handling rails.
- 1 injured. Cleaning sand pipe of engine.

CHARACTERISTICS OF ROAD—ENTIRE LINE.

Working Divisions or Branches.			Alignment.			Profile.					
From—	To—	Miles.	Number of Curves.	Aggre- gate Length of Curved Line. Miles.	Length of Level Line. Miles.	Ascending Grades.			Descending Grades.		
						Number	Sum of Ascents. Feet.	Aggre- gate Length of Ascending Grades. Miles.	Number	Sum of Descents Feet.	Aggre- gate Length of Descending Grades. Miles.
Ashland, Wis.....	South Superior	68.88	71	12.48	56.40	27	1,168	28.75	35	1,109	31.46
South Superior.....	Fargo, N. D.....	247.53	137	34.28	213.30	149	2,246	38.17	167	2,015	99.66
Fargo, N. D.....	Mandan, N. D.....	199.52	103	27.14	172.38	121	1,352	98.98	110	1,318	68.09
Mandan, N. D.....	Glendive, Mont....	215.82	255	63.98	151.84	113	3,083	114.03	109	2,602	76.27
Glendive, Mont.....	Billings, Mont.....	225.84	195	41.48	184.41	145	1,848	124.91	108	806	41.13
Billings, Mont.....	Helena, Mont.....	238.48	178	47.88	191.06	166	3,463	124.16	143	2,644	89.58
Helena, Mont.....	Hope, Idaho.....	297.77	401	89.74	208.03	88	3,522	66.11	135	5,377	200.98
Hope, Idaho.....	Wallula, Wash....	245.91	289	66.67	179.24	150	1,962	73.77	96	3,716	123.45
Pasco, Wash.....	Tacoma, Wash....	253.90	346	68.68	185.02	72	3,083	122.37	60	3,400	80.87
Tacoma, Wash.....	Portland, Ore.....	143.54	195	42.41	101.13	72	1,861	38.83	85	1,335	52.45
Little Falls.....	Morris, Minn.....	89.08	102	18.04	71.04	71	1,107	39.29	66	1,108	30.89
Wadena Junction, Minn..	Minior, N. D.....	117.06	99	17.79	99.26	177	841	42.58	114	1,092	48.38
Fairview Junction.....	Bayne, N. D.....	14.84	18	2.16	12.68	10	49	6.67	3	7	.40
Fargo, N. D.....	La Moure, N. D....	87.41	47	7.90	79.51	60	861	51.81	40	457	21.00
La Moure, N. D.....	Edgeley, N. D.....	21.90	10	1.40	19.90	35	369	8.20	23	100	2.90

CHARACTERISTICS OF ROAD—ENTIRE LINE—Continued.

Working Divisions or Branches.			Alignment.			Profile.					
From—	To—	Miles.	Number of Curves.	Aggregate Length of Curved Line. Miles.	Length of Straight Line. Miles.	Ascending Grades.			Descending Grades.		
						Number	Sum of Ascents. Feet.	Aggregate Length of Ascending Grades. Miles.	Number	Sum of Descents. Feet.	Aggregate Length of Descending Grades. Miles.
Sanborn, N. D.	Coopertown, N. D.	26.75	29	4.21	32.54	57	349	15.46	59	343	15.60
Jamestown, N. D.	Minnk'w'n & Syk'tn	102.50	37	8.61	98.96	93	1,083	47.04	89	989	43.04
Minnewaukan, N. D.	Leeds, N. D.	18.08	15	3.80	14.78	17	229	8.12	15	171	7.51
Livingston, Mont.	Cinnabar, Mont.	52.61	67	12.15	40.46	50	1,269	36.19	41	490	10.86
Prickley Pear, Mont. ..	Wickes, Mont.	20.38	55	5.32	15.26	10	1,299	18.48	3	22	.64
National Boundary.	Winnipeg, Man.	65.79	23	3.40	62.89	66	106	21.17	40	72	12.30
Portage Junction, Man. ..	Portage La Prairie.	53.52	8	1.80	50.72	46	135	20.40	23	43	5.46
Morris, Man.	Brandon, Man.	145.23	101	20.47	124.76	84	1,617	75.95	63	1,137	50.44
Fertile, Minn.	Carthage, Minn.	44.51	22	3.58	40.98	11	45	4.02	26	346	31.43
Laurel, Mont.	Red Lodge, Mont. ..	45.43	17	5.28	40.15	19	2,402	40.12	8	57	2.59
Mission, Idaho.	Hunters, Idaho.	28.51	208	13.74	24.77	27	2,496	31.49	17	266	3.41
Hauser Junction, Idaho. ..	Coeur d'Alene City	14.30	36	4.71	9.68	18	272	6.02	23	282	6.52
Cleatun, Wash.	Ronald, Wash.	5.30	28	2.58	2.51	1	498	5.21	1	3	.04
Palmer, Wash.	Kanglev, Wash.	4.43	19	1.83	2.60	4	184	3.65	4	14	.59
Cascade and Crocker.	Pittsburg, Carbonado, Wilks'n & Douty	17.37	81	7.74	9.63	8	1,277	16.51	1	3	.08

CHARACTERISTICS OF ROAD—ENTIRE LINE—Continued.

Working Divisions or Branches.			Alignment.		Profile.						
From—	To—	Miles.	Number of Curves.	Aggre- gate Length of Curved Line. Miles.	Length of Level Line. Miles.	Ascending Grades.			Descending Grades.		
						Number	Sum of Ascents. Feet.	Aggre- gate Length of As- cending Grades. Miles.	Number	Sum of Descents Feet.	Aggre- gate Length of De- scending Grades. Miles.
Orting, Washington..	Puyallup River....	7.65	14	2.12	5.53	1	346	7.65	.....	.....	.....
Meeker Junction, Was	Seattle, Wash.....	31.43	23	5.46	25.96	9	92	6.49	11	138	16.69
Lake View, Wash....	Olympia, Wash....	24.12	26	4.99	19.13	13	283	7.02	14	542	10.01
Centralia, Washington	Montesano, Wash..	41.63	56	6.66	34.77	22	137	6.70	36	304	20.48
Elma, Washington....	Summit, Wash.....	10.29	13	2.53	7.76	5	322	9.31	1	13	.25
St. Paul, Minn.....	Staples & Brain'd..	131.70	107	24.06	137.64	134	1,593	97.25	109	946	47.22
Jamestown, N. D.....	Oakes, N. D.....	63.75	74	15.00	48.75	72	341	20.66	79	533	29.88
Winnipeg Jct., Minn..	Nat'l Boundary....	205.77	93	19.61	186.16	105	710	46.39	124	1,100	91.89
Logan, Mont.....	Butte, Mont.....	70.88	153	19.63	51.06	13	2,337	52.36	8	907	15.62
Sappington, Mont....	Norris, Mont.....	20.90	46	8.33	14.52	5	934	12.49	5	323	7.50
Harrison, Mont.....	Poeey, Mont.....	7.09	6	1.41	5.68	1	673	7.09	.....	.....	.....
Jefferson, Mont.....	Calvin, Mont.....	30.05	99	11.63	18.43	9	1,796	20.43	1	742	8.01
Boulder, Mont.....	Elkhorn, Mont.....	20.40	50	4.63	15.78	1	1,923	11.95	1	232	8.05
Clough Jct., Mont....	Marysville, Mont..	12.53	57	6.04	6.54	5	1,103	9.66	2	42	1.01
Drummond, Mont....	Rumsey, Mont.....	32.21	46	5.63	26.44	5	1,864	30.43	2	12	.50

CHARACTERISTICS OF ROAD—ENTIRE LINE—Continued.

Working Divisions or Branches.			Alignment.			Profile.						
From—	To—	Miles.	Number of Curves.	Aggre- gate Length of Curved Line. Miles.	Length of Straight Line. Miles.	Ascending Grades.			Descending Grades.			
						Number	Sum of Ascents. Feet.	Aggre- gate Length of As- cending Grades. Miles.	Number	Sum of Descents Feet.	Aggre- gate Length of De- scending Grades. Miles.	
Missoula, Mont.....	Grantsdale, Mont..	50.33	44	6.78	44.05	10.03	27	638	30.20	13	196	10.00
Helena, Mont.....	Rimini, Mont.....	17.08	41	4.35	12.73	2.14	8	1,395	14.29	1	24	.65
DeSmet, Mont.....	St. Regis, Mont....	73.69	166	24.37	49.32	17.77	18	211	12.23	24	761	43.70
Marshall, Wash	Genesee, Idaho, and Farmington, W..	111.53	257	45.16	66.36	13.84	70	2,247	53.14	41	1,594	39.54
Cheney, Wash.....	Coulee City.....	106.54	141	27.19	81.35	21.39	38	1,033	30.37	44	1,836	56.78
	Total	4,290.23	4,869	892.38	3,387.35	839.40	2,544	61,122	1,570.17	2,246	32,333	1,590.66

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

BRIDGES, TRESTLES, TUNNELS, ETC.

Item.	Number.	Aggregate Length.		Minimum Length.		Maximum Length.	
		Feet.	In.	Feet.	In.	Feet.	
Bridges—							
Iron	1	1,442	1	1,442	1	1,442	1
Wooden	24	2,174	6	65	....	280	....
Combination	6	974	1	153	6	210	4
Total	31	4,590	8				
Trestles.....	752	58,943	....	10	10	2,182	....

Gauge of track, 4 feet, 8½ inches; 860.79 miles.

TELEGRAPH.

OWNED BY COMPANY JOINTLY WITH WESTERN UNION TELEGRAPH CO.

Miles of line	868.55
Miles of wire	1,373.91

OWNED BY THIS COMPANY.

Miles of line	756.50
Miles of wire	756.50

OWNED BY WESTERN UNION TELEGRAPH COMPANY.

Miles of wire	760.48
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STATE OF NEW YORK, }
COUNTY OF NEW YORK. } ss.

We, the undersigned, T. F. Oakes, president, and J. A. Baker, general auditor, of the Northern Pacific Railroad company, on our oath do severally say that the foregoing return has been prepared under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

T. F. OAKES,
President.

J. A. BAKER,
General Auditor.

Subscribed and sworn to before me this 28th day of October, 1901.

[SEAL.]

ROBERT L. STANTON,
Commissioner of Deeds for North Dakota in New York.

ANNUAL REPORT

OF THE

GREAT NORTHERN RAILWAY COMPANY

FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, Great Northern Railway company.

Date of organization, March 1, 1856.

Organized under acts of Minnesota of March 1, 1856, February 23, 1857, February 28, 1865, March 5, 1869, March 6, 1869, March 2, 1870, March 11, 1879, March 7, 1881, March 10, 1885.

ORGANIZATION.

Name of Directors.	Postoffice Address.	Date of Expiration of Term.
James J. Hill.....	St. Paul, Minn.....	Three years from Oct. 14, 1890
W. P. Clough	St. Paul, Minn.....	Three years from Oct. 14, 1890
Samuel Hill.....	Minneapolis, Minn.....	Three years from Oct. 14, 1890
Sir Geo. Stephen.....	Montreal, P. Q	Two years from Oct. 14, 1890
Sir Donald A. Smith.....	Montreal, P. Q	Two years from Oct. 14, 1890
George Bless	New York.....	Two years from Oct. 14, 1890
J. Kermedy Ted.....	New York.....	One year from Oct. 14, 1890
E. Sawyer.....	St. Paul, Minn.....	One year from Oct. 14, 1890
M. D. Grover.....	St. Paul, Minn.....	One year from Oct. 14, 1890

Total number of stockholders at date of last election, 309.

Date of last meeting of stockholders for election of directors, October 14, 1890.

Postoffice address of general office, St. Paul, Minn.

Postoffice address of operating office, St. Paul, Minn.

OFFICERS.

Title.	Name.	Location of Office.
President.....	James J. Hill.....	St. Paul, Minn
First Vice President... ..	W. P. Clough.....	St. Paul, Minn
Secretary and Asst. Treasurer ..	E. T. Nichols.....	New York City
Treasurer and Asst. Secretary ..	E. Sawyer	St. Paul, Minn
General Solicitor.....	M. D. Grover.....	St. Paul, Minn
Comptroller	C. L. Warren.....	St. Paul, Minn
General Manager	A. L. Mohler.....	St. Paul, Minn
Chief Engineer.....	N. D. Miller.....	St. Paul, Minn
General Superintendent.....	C. W. Case.....	St. Paul, Minn
Asst. General Superintendent...	E. B. Wakeman.....	St. Paul, Minn
Division Superintendent	J. B. Rice.....	St. Paul, Minn
Division Superintendent	R. W. Bryan	Minneapolis, Minn
Division Superintendent	Howard James.....	Barnesville, Minn
Division Superintendent	C. H. Jenks.....	Larimore, N. D
Division Superintendent	J. A. Mayer	Great Falls, Mont
Superintendent of Telegraph....	J. B. King	St. Paul, Minn
Traffic Manager	P. P. Shelby.....	St. Paul, Minn
General Freight Agent	F. L. Parker	St. Paul, Minn
Asst. General Freight Agent ...	H. E. Danz.....	St. Paul, Minn
General Passenger Agent.....	F. I. Whitney	St. Paul, Minn
General Ticket Agent.....	F. I. Whitney.....	St. Paul, Minn
General Baggage Agent	S. A. Smart.....	St. Paul, Minn
Superintendent of Express.....	W. J. Footner	St. Paul, Minn
Land Commissioner	W. W. Braden.....	St. Paul, Minn

PROPERTY OPERATED.

[For roads making operating reports.]

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
Line Operated under Lease for Specified Sum:				
St. P., M. & M. Railway Co...	St. Paul, Minn...	Barnesville	217.82	
St. P., M. & M. Railway Co...	State Fair Gr'ds	Spur.....	.64	
St. P., M. & M. Railway Co...	Osseo Jct., Minn.	St. Cloud, including North 'Y'..	63.87	
St. P., M. & M. Railway Co..	Elk River, Minn.	Milaca.....	31.38	
St. P., M. & M. Railway Co...	St. Cloud, Minn..	Hinckley.....	66.43	
St. P., M. & M. Railway Co...	E. St. Cloud....	Sauk Rapids....	2.14	
St. P., M. & M. Railway Co...	St. Cloud, Minn..	Willmar Jct.....	55.85	
St. P., M. & M. Railway Co...	Sauk Center....	Eagle Bend.....	36.44	
St. P., M. & M. Railway Co...	Fergus Falls....	Pelican Rapids...	21.65	
St. P., M. & M. Railway Co...	Carlisle Jct.....	Elizabeth.....	3.52	
St. P., M. & M. Railway Co...	Minneapolis Jct..	East Minneapolis	.70	
St. P., M. & M. Railway Co...	East Minneapolis	Breckenridge	204.12	
St. P., M. & M. Railway Co...	Minnetonka N'th	Shore Line.....	5.98	
St. P., M. & M. Railway Co ..	Hutchinson Jct...	Hutchinson.....	53.13	
St. P., M. & M. Railway Co...	Morris.....	Brown's Valley..	46.68	
St. P., M. & M. Railway Co..	Tintah Jct.....	Ellendale	104.32	
St. P., M. & M. Railway Co...	Rutland Jct, N. D.	Aberdeen.....	64.00	
St. P., M. & M. Railway Co...	Barnesville, Minn	St. Vincent.....	170.95	
St. P., M. & M. Railway Co...	St. Vincent Junction Switch ...	Boundary Line...	2.62	
St. P., M. & M. Railway Co...	St. Vincent Junction Switch....	End of Track, via Old Depot.....	2.12	
St. P., M. & M. Railway Co...	Shirley, Minn....	St. Helair.....	21.55	
St. P., M. & M. Railway Co...	Barnesville Jct...	Grand Forks Jct..	98.14	
St. P., M. & M. Railway Co...	Grand Forks Jct., North Dakota..	Boundary Line...	80.94	
St. P., M. & M. Railway Co...	Grafton, N. D...	Cavalier	31.71	
St. P., M. & M. Railway Co...	Moorhead Junction, Minn.....	Halstead	34.09	
St. P., M. & M. Railway Co...	Breckenridge	Larimore Jct., via Portland.....	132.00	
St. P., M. & M. Railway Co...	Everest, N. D...	Portland Jct., via Mayville.....	50.44	
St. P., M. & M. Railway Co...	Ripon, N. D....	Hope	29.50	
St. P., M. & M. Railway Co...	Crookston Jct....	Minot.....	280.33	

PROPERTY OPERATED.—*Continued.*

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
St. P., M. & M. Railway Co...	Park River Jct...	Langdon, N. D..	78.88	
St. P., M. & M. Railway Co...	Rugby Junction..	Bottineau	38.66	
St. P., M. & M. Railway Co...	Evansville, Minn	Tintah Junction..	32.08	
St. P., M. & M. Railway Co...	Minot, N. D.....	S. Side Sun River	549.25	
St. P., M. & M. Railway Co...	Moorhead, Minn.	Wahpeton	42.91	
St. P., M. & M. Railway Co ..	Church's Ferry..	St. Johns.....	55.21	
St. P., M. & M. Railway Co...	Carman, Minn...	Fosston.....	44.69	
St. P., M. & M. Railway Co...	N. St. Cloud Br'h	Minn	2.58	
St. P., M. & M. Railway Co...	Benson, Minn....	Watertown	91.62	
St. P., M. & M. Railway Co...	Johnstown Jct....	Jct. Sand Coulee, Great Falls....	3.10	
St. P., M. & M. Railway Co...	West Side Br'nch	Great Falls	5.04	
St. P., M. & M. Railway Co...	Great Falls, Mont	Smelter, Mont...	5.33	
St. P., M. & M. Railway Co...	Great Falls and Canada.....	R'y Connections Great Falls	1.26	2,907.64
Line operated under Track- age Rights.				
*Eastern Railway of Minn...	Hinckley, Minn...	West Superior...	69.78	69.78
Total mileage operated.....	.....	.....	.....	2,877.42

*Operated for three months—viz., October, November and December, 1890.

Other property owned—Hotel Lafayette, Minnesota.

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends Declared During Year.	
					Rate.	Amount.
Capital stock, common	\$200,000 00	\$100 00	\$ 20,000,000 00	.....	....	.....
Capital stock, preferred	200,000 00	100 00	20,000,000 00	\$ 20,000,000 00	3½	\$650,000 00
Total	\$400,000 00	.....	\$ 40,000,000 00	\$ 20,000,000 00	3½	\$650,000 00

Manner of Payment for Capital Stock.	Total Number of Shares Issued.	Total Cash Realized.
Issued for cash—preferred	\$ 200,000 00	\$ 10,000,000 00
Issued for properties and securities transferred to this company by the St. Paul, Minneapolis & Manitoba Railway company, as per list below—preferred	200,000 00	10,000,000 00
Total	\$ 400,000 00	\$ 20,000,000 00

\$20,000,000—Paid half cash and half in securities mentioned below.

EXPLANATORY REMARKS.

The following properties and securities, against which there was a lien of \$9,250,000, transferred to this company by the St. Paul, Minneapolis & Manitoba Railway company, as subscription of \$10,000,000 to capital stock of this company, same being for the benefit of St. Paul, Minneapolis & Manitoba stockholders:

Pine lands—Mille Lacs county	\$ 58,508 56
Bonds as per list on page 96	4,985,800 00
Stocks as per list on page 96	14,814,900 00
Land contracts	621,771 98
St. Anthony Elevator site	39,382 84
Hotel Lafayette	207,075 22
Minnetonka beach lands	75,202 71
Devil's Lake townsite	22,361 90
Sundry townsites	5,000 00
St. Paul, Minneapolis & Manitoba consolidated mortgage bonds ..	750,000 00
Land grant, St. Cloud to Hinckley	552,525 74
Total	\$ 21,839,523 90

This company has paid the lien of \$9,250,000 and the above properties and securities are represented upon books at \$19,250,000.

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.	Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....	\$ 2,301,423 53	Audited vouchers and accounts	\$ 2,676,515 22
Bills receivable.....	102,538 25	Wages and salaries.....	460,833 56
Due from agents.....	138,909 84	Net traffic balances due to other companies.....	13,814 70
Due from solvent companies and individuals	1,956,417 84	Dividends not called for	1,018 75
Other cash assets (excluding "materials and supplies")* (See note below.)	8,819,144 15	Rentals due July 1	912,580 60
		Miscellaneous. (See note following page.)	8,352,347 28
		Balance—Cash assets.....	816,813 60
Total.....	\$ 13,233,423 61	Total	\$ 13,233,423 61

*Materials and supplies on hand, \$457,925.77.

EXPLANATORY REMARKS.

NOTE—This company has contracted to build a certain line of road and has received funds amounting to \$8,852,847.28 and expended \$8,814,144.15. The accounts for same have not as yet been settled. On the preceding page these amounts are shown as "Other Cash Assets" and "Miscellaneous."

RECAPITULATION.

A—MILEAGE OWNED.

Account.	Total Amount Outstanding.	Apportionment.	Remarks.
		To Other Properties.	
Capital stock.....	\$ 20,000,000 00	\$ 20,000,000 00	Apportioned to sundry assets— Shown on previous pages.
Total	\$ 20,000,000 00	\$ 20,000,000 00	

B—MILEAGE OPERATED.

Name of Road.	Capital Stock.	Funded Debt.	Total.	Amount per Mile of Road.	
				Miles.	Amount.
St. Paul, Minneapolis & Manitoba Railway company.....	\$20,000,000 00	\$53,129,000 00	\$73,129,000 00	2,850.76	\$ 25,652 46
Total	\$20,000,000 00	\$53,129,000 00	\$73,129,000 00	2,850.76	\$ 25,652 46

COST OF EQUIPMENT, AND PERMANENT IMPROVEMENTS TO ST. P., M. & M. R.Y.

Item.	Expenditures Dur- ing Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses				
	Charged to Construction or Equipment.				
Construction—					
Right of way	\$ 22,800 00		\$ 7,065 31	\$ 30,865 91	.....
Other real estate	53,708 87		.....	53,708 87	.....
Fences.....	7,063 39		1,024 55	8,087 94	.....
Bridges and trestles.....	18,166 74		314 98	18,481 72	.....
Rails.....	71,800 21		2,854 59	74,654 80	.....
Buildings, furniture and fixtures.....	189,076 58		8,768 74	197,845 32	.....
Shop machinery and tools.....	31,500 30		.....	31,500 30	.....
Sidings and yard extensions.....	87,845 90		26,146 00	113,991 90	.....
Terminal facilities and elevators.....	170,166 99		.....	170,166 99	.....
Total cost of permanent improvements to St. P., M. & M. Railway.....	\$ 652,827 58	\$ 46,565 17	\$ 699,392 75	\$ 249 92	
Equipment—					
Locomotives	880 40	.....	.....	880 40	.....
Freight cars	8,278 88	39,563 71	.....	47,842 59	.....

COST OF EQUIPMENT AND PERMANENT IMPROVEMENTS TO ST. P., M. & M. R'Y.—Continued.

Item.	Expenditures Dur- ing Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operati'g Expenses				
	Charged to Construction or Equipment.				
Other cars of all classes.	\$	16,672 88	.....	\$ 16,672 88	.....
Total equipment	\$	23,797 11	\$ 39,563 71	\$ 65,359 82	\$ 23 28

INCOME ACCOUNT.

[For roads making operating reports.]

Gross earnings from operation.....	\$ 10,827,411 18	
Less operating expenses.....	5,168,954 19	
Income from operation.....		\$ 5,168,456 94
Dividends on stocks owned.....	\$ 21,086 00	
Interest on bonds owned.....	286,704 06	
Miscellaneous income—less expenses.....	571,497 27	
Income from other sources.....		878,287 52
Total income.....		\$ 6,041,694 26
Deductions from income—		
Rents.....	\$ 4,108,422 83	
Taxes.....	289,650 59	
Total deductions from income.....		\$ 4,408,072 92
Net income.....		\$ 1,633,621 34
Dividends, 3¼ per cent., preferred stock.....	\$ 650,000 00	
Total.....		650,000 00
Surplus from operations of year ending June 30, 1891...		\$ 983,621 34
Surplus on June 30, 1890.....		413,528 84
Surplus on June 30, 1891.....		\$ 1,402,150 18

EARNINGS FROM OPERATION.

STATE OF NORTH DAKOTA.

Item.	Actual Earnings.
Total passenger revenue	\$ 458,846 92
Mail.... ..	100,233 84
Express	37,558 74
Extra baggage and storage	6,478 45
Other items.....	35,604 51
Total passenger earnings	\$ 638,717 46
Total freight revenue	\$ 2,017,716 12
Other items.....	321 62
Total freight earnings.....	\$ 2,017,940 74
Total passenger and freight earnings	\$ 2,656,658 20
Other earnings from operation—	
Switching charges—balance.....	78 00
Rents from tracks, yards and terminals.....	494 00
Total other earnings	\$ 572 00
Total gross earnings from operation—North Dakota	\$ 2,657,230 20
Total gross earnings from operation—Entire line.....	\$ 10,327,411 18

STOCKS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Eastern Railway of Minnesota.....	\$ 5,000,000 00			\$5,000,000 00
Montana Central Railway company.....	5,000,000 00			5,000,000 00
Willmar & Sioux Falls Railway company....	1,500,000 00			1,500,000 00
Duluth, Watertown & Pacific R'y company...	780,000 00			780,000 00
Northern Steamship company.....	1,500,000 00			1,500,000 00
Minneapolis Union Railway company.....	500,000 00			500,000 00
St. Paul Union Depot Company.....	70,000 00	6	\$ 4,200 00	70,000 00
Minnesota Transfer Railway company.....	7,000 00			7,000 00
St. Paul, Minneapolis & Manitoba R'y Co.....	5,600 00	6	336 00	5,600 00
Sand Coulee Coal company	250,000 00			250,000 00
Climax Coal company.....	149,000 00			149,000 00
St. Paul Foundry company	75,000 00	22	16,500 00	75,000 00
Fort Benton Bridge company	11,600 00			11,600 00
Lake Superior Terminal & Trans. R'y Co.....	16,700 00			16,700 00
Total	\$ 14,814,900 00		\$ 21,086 00	\$14,814,900 00

The above stock acquired from the St. Paul, Minneapolis & Manitoba railway, as explained on previous pages.

BONDS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Willmar & Sioux Falls railway	\$ 2,625,000 00	6	\$ 157,500 00	\$2,625,000 00
Duluth, Watertown & Pacific railway	1,375,000 00	6	82,500 00	1,375,000 00
Montana Central railway	500,000 00		30,000 00	500,000 00
St. P., M. & M. R'y 1st mortgage bonds	100 00		7 00	100 00
St. P., M. & M. R'y—Montana extension	6,000 00	4	240 00	6,000 00
Minnesota Transfer railway	109,000 00		618 59	109,000 00
Todd county	30,400 00		1,520 00	30,400 00
Town of Hutchinson	12,000 00		1,090 80	12,000 00
Town of Breckenridge	4,300 00		301 00	4,300 00
County of Pipestone	30,000 00		1,906 66	30,000 00
Town of Minnesota Falls	2,000 00	6	120 00	2,000 00
Town of Sandness	2,000 00			2,000 00
Total	\$ 4,695,800 00			\$ 4,695,800 00
The above bonds were acquired from the St. Paul, Minneapolis & Manitoba railway, as explained on previous pages.				
Other bonds owned, see page 102.				
Eastern Railway of Minnesota	\$ 337,000 00	5	10,000 00	\$ 373,900 00
Minnesota Transfer railway	1,000 00			1,000 00
Montana Central railway	1,000,000 00			900,000 00
St. P., M. & M. R'y—Montana extension	148,000 00			118,400 00
Total	\$ 1,536,000 00		\$ 285,704 05	\$ 1,892,700 00

RENTALS RECEIVED.**RENTS RECEIVED FROM LEASE OF TRACKS, YARDS AND TERMINALS.**

Designation of Property.	Situation of Property Leased.	Name of Company Using Property Leased.	Item.	Total.
Tracks—				
Main track.....	East Minneapolis, Minneapolis....	St. P. & D. R'y.....	\$ 1,125 00	
Total.....				\$ 1,125 00
Terminals.....				
	St. Paul.....	M., St. P. & S. S. M. railway	2,400 00	
	St. Paul.....	C., B. & N. railway..	19,999 92	
	Minneapolis	C., B. & N. railway..	747 68	
	St. Anthony Park	Minn'plus Union Elevator company.....	1,500 00	
	St. Anthony Park	St. Anthony Elevator company.....	2,588 88	
	St. Paul.....	M. C. railway.....	2,722 50	
	St. Paul.....	E. R'y of Minnesota.	2,819 12	
	St. Vincent	U. S. government....	216 00	
	Gt. Falls, Mont..	M. C. railway.....	2,600 00	
	Sundry.....	Sundry	7 477 81	
Total.....				\$ 44,571 92
Grand total rents received.....				\$ 45,696 92

MISCELLANEOUS INCOME.

Item.	Gross Income.	Net Miscellaneous Income.
Rental of leased lines.....	\$ 185,704 98	\$ 185,704 98
Interest and exchange	118,585 63	118,585 63
Bills receivable	198,479 78	198,479 78
Miscellaneous	68,726 88	68,726 88
Total	\$ 571,497 27	\$ 571,497 27

OPERATING EXPENSES.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Maintenance of way and structures—			
Repairs of roadway	\$ 285,764 44	\$ 465,732 93	\$ 751,497 37
Renewals of rails	13,149 37	62,602 37	75,751 74
Renewals of ties	59,284 71	88,550 87	142,835 58
Repairs of bridges and culverts	47,921 68	76,968 87	124,910 55
Repairs of fences, road-crossings, signs and cattle guards	5,660 66	8,129 93	13,819 59
Repairs of buildings	42,496 98	64,785 60	107,282 58
Repairs of docks and wharves	155 79	280 18	385 97
Repairs of telegraph	5,519 26	9,069 23	14,588 49
Other expenses		5,466 99	5,466 99
Total	\$ 459,961 89	\$ 776,556 97	\$ 1,236,538 86
Maintenance of equipment—			
Repairs and renewals of locomotives	\$ 125,803 55	\$ 192,652 84	\$ 318,456 39
Repairs and renewals of passenger cars	139,5 34		139,575 34
Repairs and renewals of freight cars		384,240 98	384,240 98
Shop machinery, tools, etc.	3,803 42	6,339 60	10,133 02
Total	\$ 269,182 31	\$ 583,233 42	\$ 852,406 73
Conducting transportation—			
Wages of engineers, firemen and roundhouse- men	\$ 200,891 40	\$ 289,835 85	\$ 490,727 25
Fuel for locomotives	287,596 17	465,147 58	752,733 75
Water-supply for locomotives	17,934 36	23,613 00	41,547 36
All other supplies for locomotives	9,601 02	15,488 88	25,179 90
Wages of other trainmen	124,411 14	235,500 99	359,912 13
All other train supplies	61,170 30	8,656 90	69,827 20
Wages of switchmen, flagmen and watchmen ..	13,853 07	114,647 56	128,500 63
Expense of telegraph, including train dispatch- ers and operators	32,318 18	45,345 54	77,663 72
Wages of station agents, clerks and laborers ..	98,861 70	249,921 21	348,783 91
Station supplies	8,151 38	12,464 05	20,615 43
Switching charges—balance		2,979 46	2,979 46
Car mileage—balance	6,816 46	21,050 31	14,238 85
Loss and damage	5,069 96	13,471 25	20,541 21

OPERATING EXPENSES—Continued.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Conducting transportation—			
Injuries to persons.....	\$ 14,515 83	\$ 25,366 40	\$ 39,882 08
Other expenses	5,211 79	21,763 06	62,974 85
Total	\$ 872,849 64	\$ 1,547,252 04	\$ 2,420,101 68
General expenses—			
Salaries of officers.....	\$ 41,659 09	\$ 60,044 42	\$ 101,703 51
Salaries of clerks.....	58,554 01	85,606 64	139,159 65
General office expenses and supplies	9,919 98	14,909 44	24,789 37
Agencies, including salaries and rent	43,402 67	25,588 24	68,990 91
Advertising.....	22,080 86	1,677 08	23,707 94
Commissions.....	18,500 07	.....	18,500 07
Insurance.....	7,854 07	13,533 12	20,907 19
Expense of fast freight lines.....	411 38	1,696 95	2,307 23
Expense of stock-yards and elevators.....	.....	578 00	578 00
Rents for tracks, yards and terminals.....	84,355 79	34,145 19	118,500 98
Rents not otherwise provided for.....	1,056 55	40 00	1,096 55
Legal expenses	17,364 47	26,338 51	43,602 98
Stationery and printing	20,747 08	25,474 13	46,221 21
Other general expenses.....	12,333 12	31,509 16	44,842 28
Total	\$ 333,589 04	\$ 321,318 88	\$ 654,907 92
Recapitulation of expenses—			
Maintenance of way and structures.....	\$ 459,961 89	\$ 776,556 97	\$ 1,236,538 86
Maintenance of equipment	269,182 31	583,223 42	852,405 73
Conducting transportation.....	872,849 64	1,547,252 04	2,420,101 68
General expenses	333,589 04	321,318 88	654,907 92
Grand Total	\$ 1,935,602 88	\$ 1,228,351 31	\$ 5,163,954 19
Percentage of expenses to earnings—entire line, 50 per cent.			
Operating expenses—State of North Dakota—	.		
Maintenance of way and structures.....	152,230 78	217,424 12	369,654 90
Maintenance of equipment.....	77,781 16	161,465 64	239,246 80

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Operating expenses—State of North Dakota—			
Conducting transportation.....	\$ 257,538 32	\$ 389,572 09	\$ 647,106 41
General expenses	78,902 82	85,590 86	159,593 68
Total	\$ 561,538 08	\$ 854,062 71	\$ 1,415,590 79
Percentage of expenses to earnings—North Dakota, 53.27 per cent.			

RENTALS PAID.**A. RENTS PAID FOR LEASE OF ROAD.**

Name of Road.	Interest on Bonds Guaranteed.	Dividends on Stock Guaranteed.	Cash.	Total.
St. Paul, Minneapolis & Manitoba railway	\$ 2,878,598 84	\$ 1,200,000 00	\$ 11,073 99	\$ 4,084,672 33
Eastern Railway of Minn. ....	.....	.....	18,750 00	18,750 00
Total rents—A.....	\$ 2,878,598 84	\$ 1,200,000 00	\$ 29,823 99	\$ 4,108,422 33

B. RENTS PAID FOR LEASE OF OTHER PROPERTY.

Designation of Property.	Situation of Property Leased.	Name of Company Owning Property Leased.	Item.	Total.
Terminals:	Minneapolis	Minneapolis Union R'y..	\$ 60,810 81	
	Minnesota Transfer..	Minnesota Transfer R'y.	33,620 00	
	St. Paul, Minn. ..	St. Paul Union depot....	24,070 17	
Total ...				\$ 118,500 98
Grand total rents—B.....				\$ 118,500 98

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1890.		Assets.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 19,250,000 00	Cost of properties and securities..	\$ 19,250,000 00	.....	.....	.....
39,593 71	Cost of equipment.....	65,359 82	.....	\$ 25,797 11	.....
200,000 00	Bonds of other companies owned..	1,892,700 00	.....	1,192,700 00	.....
234,631 09	Other permanent investments.....	277,676 78	.....	43,045 69	.....
46,565 17	Additions and improvements to St. P., M. & M. R'y	698,893 75	.....	652,327 58	.....
\$ 19,770,758 97			\$ 21,664,629 85	.....	.....
.....	3,318,769 83	Cash and current assets.....	.....	13,233,423 61	9,914,653 78	.....
\$ 253,131 23	Other Assets—	\$ 437,925 77	.....	204,744 55	.....
.....	253,131 23	Materials and supplies.....		\$ 457,925 77		.....
\$ 23,342,710 02	Grand total.....		\$ 35,375,973 73	\$ 12,033,263 71	.....

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year Ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
.....	\$ 20,000,000 00	Capital stock,.....	.....	\$ 20,000,000 00	.....	.....
.....	1,939,418 92	Current liabilities.....	.....	12,416,610 01	\$ 10,777,191 09	.....
.....	401,653 83	Rentals not due.....	.....	402,146 67	498 84	.....
.....	43,694 43	Taxes not due.....	.....	58,011 26	14,316 83	.....
.....	677,298 83	Proceeds from properties sold.....	.....	98,750 61	31,616 94	.....
.....	.....	Fund for permanent improvements } and renewals.....	.....	731,260 00	.....	\$ 40,630 88
.....	.....	Profit and loss .....	.....	267,060 00	267,060 00	.....
.....	413,538 84	.....	.....	1,402,150 18	988,621 84	.....
\$ 23,342,710 02		Grand total.....		\$ 35,375,978 73	\$ 12,068,268 71	.....

IMPORTANT CHANGES DURING THE YEAR—STATE OF NORTH DAKOTA.

Extension of Pembina Mountain branch from Grafton to Cavalier, N. D., 31.71 miles.

CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSI- NESS WITHIN STATE OF NORTH DAKOTA.

EXPRESS COMPANIES.

Contract with the American Express company whereby they do all express business on the lines operated by this company.

MAILS.

Mail routes established by the United States government as provided by law.

TELEGRAPH COMPANIES.

Contract with Western Union Telegraph company. Telegraph company furnishes material and constructs lines. Railway company maintains telegraph lines in consideration for use of same for its own business, deriving no revenue from telegraph business done for the public.

EMPLOYES AND SALARIES—STATE OF NORTH DAKOTA.

Class.	Num- ber.	Total Number of Days Worked.	Total Yearly Compensation.	Average Daily Compensation.
Station Agents	108	32,124	\$ 52,361 92	\$ 1 63
Other station men	27	8,613	17,054 72	1 98
Enginemen	34	10,884	41,570 88	3 83
Firemen	34	10,659	23,450 24	2 20
Conductors	45	14,183	35,175 36	2 48
Other trainmen	75	23,549	40,504 96	1 72
Machinists	19	5,867	12,791 04	2 18
Carpenters	26	8,401	17,054 72	2 03
Other shopmen	98	30,540	54,361 92	1 78
Section foremen	142	44,531	74,812 16	1 67
Other trackmen	265	79,521	100,196 48	1 26
Switchmen, flagmen and watchmen	6	1,881	3,197 76	1 70
Telegraph operators and dispatchers	14	4,488	8,527 36	1 90
All other employees and laborers	99	30,931	42,304 56	1 37
Total	977	306,092	\$ 523,364 10	\$ 1 71
Distribution of above—				
Maintenance of way and structures	509	159,134	\$ 225,840 56	\$ 1 42
Maintenance of equipment	130	40,607	57,680 32	1 86
Conducting transportation	338	106,351	221,843 22	2 08
Total	977	306,092	\$ 523,364 10	\$ 1 71
Total (including "General Officers"—entire line)	5,952	1,869,630	\$ 3,468,374 66	\$ 1 86

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic :		
Number of passengers carried earning revenue.....	326,898	
Number of passengers carried one mile	19,661,698	
Average distance carried.....	60.4	
Total passenger revenue.....		\$ 458,846.92
Average amount received from each passenger.....		1.41
Average receipts per passenger per mile ....		.02331
Estimated cost of carrying each passenger one mile...		.02953
Total passenger earnings		688,717.46
Passenger earnings per mile of road		626.78
Passenger earnings per train-mile		1.14127
Freight traffic :		
Number of tons carried of freight earning revenue....	1,001,238	
Number of tons carried one mile.....	160,577,274	
Average distance haul of one ton.....	160.4	
Total freight revenue		2,017,716.12
Average amount received for each ton of freight.....		2.01
Average receipts per ton per mile.....		.01257
Estimated cost of carrying one ton one mile.....		.00682
Total freight earnings		2,017,940.74
Freight earnings per mile of road.....		1,990.24
Freight earnings per train-mile.....		2.18153
Passenger and freight:		
Passenger and freight revenue.....		2,476,563.04
Passenger and freight revenue per mile of road.....		2,480.20
Passenger and freight earnings.....		2,656,658.20
Passenger and freight earnings per mile of road.....		2,607.02
Gross earnings from operations.....		2,657,280.20
Gross earnings from operation per mile of road		2,607.57
Expenses		1,415,590.79
Expenses per mile of road		1,396.04

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train mileage—		
Miles run by passenger trains	518,992	
Miles run by freight trains	788,018	
Miles run by mixed trains	182,657	
Total mileage of trains earning revenue	1,484,667	
Miles run by construction and other trains	16,290	
Grand total train mileage	1,501,956	
Mileage of loaded freight cars—North or east	7,107,396	
Mileage of loaded freight cars—South or west	8,005,786	
Mileage of empty freight cars—North or east	2,773,354	
Mileage of empty freight cars—South or west	1,976,926	
Average number of freight cars in train	20.46	
Average number of loaded cars in train	15.57	
Average number of empty cars in train	4.89	
Average number of tons of freight in train	165.42	
Average number of tons of freight in each loaded car	10.62	

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE.

Item.	Column for Tonnage Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger Traffic:		
Number of passengers carried earning revenue	1,996,515	
Number of passengers carried one mile	82,327,486	
Average distance carried	41.26	
Total passenger revenue		\$ 1,876,960.18
Average amount received from each passenger .....		.94
Average receipts per passenger per mile .....		.02279
Estimated cost of carrying one passenger one mile .....		.02351
Total passenger earnings		2,458,314.12
Passenger earnings per mile of road		873.60
Passenger earnings per train-mile		1.30709
Freight Traffic:		
Number of tons carried of freight earning revenue	2,260,382	
Number of tons carried one mile	616,266,817	
Average distance haul of one ton	270.26	
Total freight revenue		7,628,010.71
Average amount received for each ton of freight		3.34
Average receipts per ton per mile .....		.01283
Estimated cost of carrying one ton one mile .....		.00624
Total freight earnings		7,636,446.80
Freight earnings per mile of road		2,713.75
Freight earnings per train mile		2.55480
Passenger and Freight:		
Passenger and freight revenue		9,504,970.89
Passenger and freight revenue per mile of road		3,377.73
Passenger and freight earnings		10,094,760.92
Passenger and freight earnings per mile of road		3,587.85
Gross earnings from operation		10,327,411.13
Gross earnings from operation per mile of road		3,670.02
Expenses		5,163,964.19
Expenses per mile of road		1,835.10

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train Mileage :		
Miles run by passenger trains	1,787,281	
Miles run by freight trains	2,558,594	
Miles run by mixed trains	973,946	
Total mileage trains earning revenue.....	4,869,821	
Miles run by switching trains.....	1,134,411	
Miles run by construction and other trains....	231,310	
Grand total train mileage.....	6,235,542	
Mileage of loaded freight cars—East	29,257,902	
Mileage of loaded freight cars—West	27,797,556	
Mileage of empty freight cars—East.....	7,137,137	
Mileage of empty freight cars—West	9,185,431	
Average number of freight cars in train.....	23.42	
Average number of loaded cars in train.....	18.21	
Average number of empty cars in train.....	5.21	
Average number of tons of freight in train.....	196.74	
Average number of tons of freight in each loaded car..	10.80	

EXPLANATORY REMARKS.

NOTE 1—Average mileage upon which earnings per mile of road is computed, is made as follows:

Mileage operated entire year	2,774.67
Grafton to Cavalier, 31.71 miles. Gt. Falls & Canada Com., 1.26 miles.....	21.87
Eastern Railway of Minnesota, 69.78 miles, 3 mos.....	17.45

Total 2,813.99

NOTE 2—An allowance of 75 miles per day of twelve hours is allowed for switch trains.

FREIGHT TRAFFIC MOVEMENT—ENTIRE LINE.

INCLUDES W. & S. F. RAILWAY AND D. W. & P. RAILWAY.

[Company's Material Excluded.]

Commodity.	Total Freight Tonnage.	
	Whole Tons	Per Cent.
Products of Agriculture—		
Grain	1,068,468	46.56
Flour	46,001	2.01
Other mill products	22,908	1.00
Hay	35,865	1.51
Fruit and vegetables	81,128	1.36
Other farm products	18,480	.80
Products of Animals—		
Live stock	58,285	2.54
Dressed meats	2,232	.10
Other packing-house products	4,909	.21
Poultry, game and fish	1,496	.06
Wool	2,416	.11
Hides and leather	2,666	.12
Products of Mines—		
Anthracite coal	45,367	1.98
Bituminous coal	55,861	2.43
Coke	15,427	.68
Ores	1,055	.05
Stone, sand and other like articles	48,884	2.13
Products of Forest—		
Lumber, lath and shingles	202,345	8.62
Other forest products	423,344	10.00
Manufactures—		
Petroleum and other oils	11,063	.48
Iron, pig and bloom	4,156	.18
Iron and steel rails	59,988	1.74
Other castings and machinery	16,611	.72
Bar and sheet metal	81,586	1.88
Cement, brick and lime	85,846	1.56
Agricultural implements	25,128	1.10
Wagons, carriages, tools, etc.	2,892	.13
Wines, liquors and beers	16,055	.70

FREIGHT TRAFFIC MOVEMENT—ENTIRE LINE—*Continued.*

INCLUDES W. & S F. RAILWAY AND D. W. & P. RAILWAY.

[Company's material excluded.]

Commodity.	Total Freight Tonnage.	
	Whole Tons	Per Cent.
Household goods and furniture	8,108	.14
Other manufactures.....	15,755	.69
Merchandise.....	124,856	5.42
Miscellaneous—Other commodities not mentioned above.....	61,721	2.69
Total tonnage, entire line	2,294,786	100.00

EXPLANATORY REMARKS.

It is impossible to give freight movements for North Dakota separately, consequently report for entire line is given.

Cannot give the tonnage of different commodities originating on this line and that received from other carriers.

The statement given above includes the freight traffic movements of the Willmar & Sioux Falls railway and Duluth, Watertown & Pacific railway.

DESCRIPTION OF EQUIPMENT.

[All these equipments, with the exception of 46 refrigerator cars, leased from St. P., M. & M. R'y, in connection with lease of that company.]

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Locomotives—						
Passenger	2	82	82	Westinghouse	....	.....
Freight	1	141	$\left. \begin{array}{l} 2 \\ 3 \end{array} \right\}$	$\left. \begin{array}{l} \text{Westinghouse} \\ \text{American Air.} \end{array} \right\}$	.....	.....
Switching .....	.....	33	$\left\{ \begin{array}{l} 1 \\ 2 \\ 1 \end{array} \right.$	$\left\{ \begin{array}{l} \text{Westinghouse} \\ \text{American S.D.} \\ \text{Eames Vacuum} \end{array} \right.$	.....	.....
Total	3	266	91			
Cars in passenger service—						
First-class passenger cars	3	97	97	Westinghouse	97	Miller.
Combination passenger cars	2	21	21	Westinghouse	21	Miller.
Dining cars .....	.....	6	6	Westinghouse	6	Miller.
Sleeping cars .....	.....	38	$\left. \begin{array}{l} 37 \\ 1 \end{array} \right\}$	$\left\{ \begin{array}{l} \text{Westinghouse} \\ \text{Hand Brake.} \end{array} \right.$	37	Miller.
Baggage, express and postal cars	2	53	52	Westinghouse	49	
Other cars in passenger service .....	.....	3	3	Westinghouse	3	
Total	7	217				

Cars in freight service—		
Box cars.....	509	6,343
Flat and coal cars.....	225	1,323
Stock cars.....		478
Refrigerator cars.....		103
Other cars (including furniture and hay cars).....	400	416
Total.....	634	8,573
Cars in company's service—		
Derrick and tool cars.....	2	23
Caboose cars.....	3	147
Other road cars.....	28	80
	10	31
Total.....	29	281
Grand total cars.....	643	9,171

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MILEAGE.

MILEAGE OF ROAD OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed During Year.	*Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....				2,807.64	69.78	2,877.42	52.97	307.67	2,569.75
Miles of second track.....				26.92	.....	26.92	.....	.....	26.92
Miles of third track.....			None.	8.10	.....	8.10	.....	.....	8.10
Miles of fourth track.....	None.	None.		8.10	.....	8.10	.....	.....	8.10
Miles of yard track and sidings.....				379.44	.....	379.44	17.83	.....	.....
Total mileage operated (all tracks).....				3,290.20	69.78	3,299.98	50.79	307.67	2,992.31

EXPLANATORY REMARKS.

Total mileage shown above 3,299.98
 Less constructed during year 50.79

 Mileage per last year's report..... 3,249.19

Difference 52.70
 This difference is made up as follows:
 Eastern Railway of Minnesota, not operated last year 69.78
 Less Sand Coulee Branch, operated last year, but not this year—Main line..... 14.83
 —Side tracks..... 2.56

 17.08

NOTE.—Mileage operated under trackage rights is for Eastern Railway of Minnesota, and was operated only three months.
 *379.44 iron and steel.

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OPERATED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	New Line Constructed During Year Operated Under Lease.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Minnesota				1,258.98	.....	1,258.98	47.68	163.89	47.68
Wisconsin	22 10	.....	1,006 04
North Dakota		None.	None.	997.92	31.71	1,029.63	.....	143.78	885.85
South Dakota				99.25	.....	99.25	.....	.....	99.25
Montana				418.57	1.26	419.83	.....	.....	419.83
Total mileage operated (single track)	2,774.67	32 97	2,807.64	69 78	307.67	2,509.75

MILEAGE.

MILEAGE OF ROAD OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed During Year.	*Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....				2,807.64	66.78	2,874.42	82.97	307.67	2,566.75
Miles of second track.....				26.92	.....	26.92	.....	.....	26.92
Miles of third track.....				8.10	.....	8.10	.....	.....	8.10
Miles of fourth track.....				8.10	.....	8.10	.....	.....	8.10
Miles of yard track and sidings.....				379.44	.....	379.44	17.82	.....	.....
Total mileage operated (all tracks).....				3,230.20	66.78	3,296.98	50.79	307.67	2,612.87

EXPLANATORY REMARKS.

Total mileage shown above..... 3,296.98
 Less constructed during year..... 50.79

Mileage per last year's report..... 3,249.19
 Difference..... 3,198.49

This difference is made up as follows:
 Eastern Railway of Minnesota, not operated last year..... 66.78
 Less Sand Coulee Branch, operated last year, but not this year—Main line..... 14.52
 —Side tracks..... 2.56

NOTE.—Mileage operated under trackage rights is for Eastern Railway of Minnesota, and was operated only three months.
 *\$79.44 iron and steel.

MILEAGE OF LINE BY STATES AND TERRITORIES.
MILEAGE OPERATED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	New Line Constructed During Year Operated Under Lease.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Minnesota				1,238.98	.....	1,238.98	47.68	168.89	47.68
Wisconsin	22 10	.....	1,035.04
North Dakota		None.	None.	997.92	31.71	1,029.63	.....	143.78	883.85
South Dakota				99.25	.....	99.25	.....	.....	99.25
Montana				418.57	1.26	419.83	.....	.....	419.83
Total mileage operated (single track)	2,774.67	32.97	2,807.64	69.78	307.67	2,509.75

RENEWALS OF RAILS AND TIES—STATE OF NORTH DAKOTA.

New Rails Laid During Year.				New Ties Laid During Year.		
Kind.	Tons.	Weight Per Yard.	Average Price per Ton at Distributing Point.	Kind.	No.	Average Price at Distribut'g Point.
Steel	3,428	60 lbs.	\$ 11 60	Hard.....	63,312	
	1128	56 lbs.	\$2 38½	Soft.....	... ..
				Pine & tam'c	127,580	
				Other.....	3,950	
Total Steel	4,556				194,802	\$3½

CONSUMPTION OF FUEL BY LOCOMOTIVES—STATE OF NORTH DAKOTA.

Locomotives.	Coal, Tons—Bituminous.	Wood—Cords.		Total Fuel Consumed Tons.	Miles Run	Average Pounds Consumed per Mile.
		Hard.	Soft.			
Passenger	52,704	2,016	.....	54,048	1,988,551	56
Freight.....	164,320	6,809	.....	168,520	3,632,884	92
Switching	27,651	1,069	.....	28,357	1,134,411	10
Construction (included in freight)....	.....	.....	.....	.....	.....	.....
Total	244,675	9,875	.....	250,925	6,725,846	74
Average cost at distributing point	\$ 3 29	\$ 1 86			•	

EXPLANATORY REMARKS.

It is impossible to give consumption of fuel for North Dakota separately, consequently report for entire line is given.

Consumption of fuel by construction and work trains is included with that of freight, as engines of that class were taken from freight service temporarily for such work and no record kept of fuel consumed for such service separately.

ACCIDENTS TO EMPLOYEES—STATE OF NORTH DAKOTA.

Kind of Accident.	Employees.							
	Trainmen.		Switchmen, Flagmen and Watchmen.		Other Employees.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Coupling and uncoupling....	5	.....	3	.....	1	.....	9
Falling from trains and engines	1	.....	.....	.....	2	.....	3
Derailments	1	.....	.....	.....	.....	.....	1
Other causes	2	.....	2
Total	7	.....	3	.....	5	.....	15

ACCIDENTS TO PASSENGERS AND OTHERS—STATE OF NORTH DAKOTA.

Kind of Accident.	Passengers.		Others.					
			Trespassing.		Not Trespass'ng		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Derailements	2	.....	.....	.....	.....	.....	2
Other train accidents	1	2	.....	.....	1	2
At highway crossings	2	.....	2
At stations	1	1	.....	.....	1	1
Total	2	2	3	.....	2	2	7

•

EXPLANATORY REMARKS.

Employees' accidents—

Other causes, August 15, 1890, John Mahoney, Northwood, ankle broke; December 1, 1890, Frank Madden, Williston, intoxicated, tried to board train.

Trespassers—

Other train accidents—killed, May 27, 1891, H. Turberg, Argusville, stealing ride, jumped off; injured, July 27, 1890, T. Bancivier, Grafton, tramp, stealing ride, foot run over; injured, November 20, 1890, E. Flatnia Cands, drunk, tried to board train.

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

BRIDGES AND TRESTLES.

Item.	Number.	Aggregate Length.	Minimum Length.	Maximum Length.
		Feet.	Feet.	Feet.
Bridges—wooden	23	5,740	44	748
Trestles	1,261	75,339	10	1,606

CAR MILEAGE.

Individuals, co-operative fast freight lines and stock companies to which the company making this report pays mileage for the use of cars:

Armour Refrigerator Line,
Ames Palace Horse Car company,
American Refrigerator Transit company,
Armour-Cudahy Refrigerator Line,
Anglo-American Provision company,
American Tank Line,
Arnold Refrigerator Car company,
Barton Stock Car company,
Blue Line Transit company,
Barrett & Barrett,
Chicago, M. & St. P. R'y, Pabst Refrigerator,
Chicago, M. & St. P. R'y, Schlitz Refrigerator,
J. I. Case,
Canadian Pacific Despatch,
Cold Blast Transportation company,
Chicago Refrigerator Car company,
Cudahy Bros. Refrigerator Line,
Canada Cattle Car company,
Canada Southern Line,
Crocker Chair company,
California Fruit Transportation company,
Cupplis' Wooden Ware company,
Cudahy Milwaukee Refrigerator Line,
J. Dold & Son Packing company,
Empire Line,
Erie Despatch,
Gilbert Car Manufacturing company,

C. B. Haven & Company,
Hicks Stock Car company,
Iron Car Express Coal Line,
Keystone Palace Horse Car company,
Kansas City Dressed Beef Line,
Kansas City Refrigerator Car company,
Live Poultry Transportation company,
Merchants Despatch Transportation company,
Mattoon Manufacturing company,
Midland Line,
National Despatch Line,
Pullman Palace Car company,
Red Line,
Racine Wagon and Carriage company,
Sioux City & Northern R'y Boorge Refrigera'r,
Sioux City & Montana R'y Hankinson Refrig.,
St. Louis Refrigerator Car company,
Street's Stable Car company,
Silverhorn company,
St. Charles Car company,
Swift Refrigerator Car company,
Tropical Transportation company,
Union Refrigerat'r Trans. company, Commerce,
Union Refrigerator Trans. company, Pabst,
Union Tank Line,
Union Line,
White Line.

STATE OF MINNESOTA, }
COUNTY OF RAMSEY, } ss.

We, the undersigned, W. P. Clough, vice president, and C. H. Warren, comptroller, of the Great Northern Railway company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

W. P. CLOUGH,
Vice President.
C. H. WARREN,
Comptroller.

Subscribed and sworn to before me this 20th day of November, 1891.

[SEAL.]

E. T. STEVENSON,
Notary Public, Ramsey county, Minn.

ANNUAL REPORT

OF THE

ST. PAUL, MINNEAPOLIS & MANITOBA RAILROAD COMPANY,

FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, St. Paul, Minneapolis & Manitoba Railway company.

Date of organization, May 23, 1879.

Organized under laws of State of Minnesota.

The St. Paul, Minneapolis & Manitoba Railway company was organized on May 23, 1879, under the laws of the State of Minnesota, by the purchasers at a foreclosure sale of the line of railways theretofore owned by the first division of the St. Paul & Pacific Railroad company, extending from St. Paul via St. Anthony (now Minneapolis East) to Sauk Rapids, Minnesota.

Within a few days afterwards, the St. Paul, Minneapolis & Manitoba Railway company purchased at other foreclosure sales the other line theretofore owned by the first division company, extending from St. Anthony westward, to Breckenridge in the same state, and the line theretofore owned by the St. Paul & Pacific railroad company, extending from East St. Cloud to St. Vincent, in the same state, then only partially completed.

By these purchases the St. Paul Minneapolis & Manitoba Railway company succeeded to all the railroads and other property, and to all the franchises of the other two companies mentioned.

At the date of the foreclosure sales, mortgage bonds previously issued by those companies, to raise money for construction purposes, were outstanding to the amount, with accrued interest, of nearly \$83,000,000. Stock of the companies was also outstanding to the further amount of \$6,800,000.

From the proceeds of the bonds and stock mentioned there had been completed 401 miles—part of which had been completed with funds advanced by the syndicate purchasing at the foreclosure sales, and the residue acquired from other companies, making a total of 656 miles were recapitalized at \$81,000,000, represented as follows :

First mortgage bonds.....	\$ 8,000,000
Second mortgage bonds.....	8,000,000
Stock issued as fully paid.....	15,000,000
Total.....	\$ 31,000,000

This recapitalization also covered large expenditures made by the purchasing syndicate for terminals, renewals, betterments and equipment. The mileage subsequently added, has, in part, been constructed by the St. Paul, Minneapolis & Manitoba Railway company, directly, and in part been purchased from other companies ; such purchases having, with immaterial exceptions, been made before the acquired mileage had been put into operation, and in each instance free from outstanding stock or bonds.

ORGANIZATION.

Name of Directors.	Postoffice Address.	Date of Expiration of Term.
Sir Geo. Stephen	Montreal, P. Q .....	..... October 10, 1891
Sir Donald A. Smith	Montreal, P. Q .....	..... October 10, 1891
Geo. Bless	New York .....	..... October 10, 1891
Jas. Hill	St. Paul, Minn .....	..... October 10, 1891
W. P. Clough	St. Paul, Minn .....	..... October 10, 1891
M. D. Grover	St. Paul, Minn .....	..... October 10, 1891
Sam Hill	Minneapolis, Minn .....	..... October 10, 1891

Total number of stockholders at date of last election, 706.

Date of last meeting of stockholders for election of directors, September 11, 1890.

Postoffice address of general office, St. Paul, Minn.

Postoffice address of operating office, St. Paul, Minn.

OFFICERS.

Title.	Name.	Location of Office.
President	James J. Hill .....	..... St. Paul, Minn
First Vice President	Sir Donald A. Smith .....	..... Montreal, P. Q
Second Vice President	W. P. Clough .....	..... St. Paul, Minn
Secretary and Asst. Treasurer ..	E. Sawyer .....	..... St. Paul, Minn
Treasurer and Asst. Secretary ..	E. T. Nichols .....	..... New York City
General Solicitor	M. D. Grover .....	..... St. Paul, Minn
Comptroller	C. H. Warren .....	..... St. Paul, Minn
Chief Engineer	N. D. Miller .....	..... St. Paul, Minn
Land Commissioner	W. W. Braden .....	..... St. Paul, Minn

PROPERTY LEASED OR OTHERWISE ASSIGNED FOR OPERATION.

[FOR ROADS NOT MAKING OPERATING REPORTS.]

Name of railroad the income of which from lease, or from other assignment for operation, is included in the income account.

Name.	Terminals.		By What Company Operated.	Under What Kind of Contract Operated.	Miles of Line.
	From—	To—			
†St. Paul, Minneapolis & Manitoba.....	St. Paul and Minneapolis ...	St. Vincent, Neche, Great Falls and branch lines in Minnesota, North and South Dakota	Great Northern Railway,	Lease.....	2,907.64
					2,907.64

The lines of this company were leased to the Great Northern Railway company on February 1, 1890, for a period of 999 years.

The Great Northern Railway company pays, as rental, interest on bonds of this company, and 6 per cent. dividends on capital stock, together with expense of maintaining this company's organization.

†See Report by Great Northern Railway.

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends Declared During Year.	
					Rate.	Amount.
Capital stock.....	200,000	\$ 100	\$ 20,000,000 00	\$ 20,000,000 00	6	\$1,200,000 00

Manner of Payment for Capital Stock.	Total Number of Shares Issued.	Total Cash Realized.
Issued for cash—preferred.....	\$ 50,000 00	\$ 5,000,000 00
*Issued for reorganization.....	150,000 00	15,000,000 00
Total	\$ 200,000 00	\$ 20,000,000 00

*See statement under "History," this report.

NOTE—Under terms of contract with the Great Northern Railway, a dividend of 6 per cent. has been paid by that company during the year.

FUNDED DEBT.
MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Class of Bond or Obligation.	Time.		Amount of Authorized Issue.	Amount Issued.	Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue.	When Due.					Rate per Cent	When Payable.	Amount Ac- rued During Year.	Amount Paid During Year.
St. Paul & Pacific R'y...	1862	1892	\$ 866,000 00	*	7	Jan. 1-July 1.	\$ 25,620 00	See Note 5 fol- lowing page.
First mortgage land grant	1879	1909	\$ 8,000,000 00	\$ 8,000,000 00	4,000,000 00	†	7	July 1.	299,600 00	
Second mortgage	1879	1909	8,000,000 00	8,000,000 00	8,000,000 00	†	6	April 1-Oct. 1.	490,000 00	
Dakota extension	1890	1910	6,000,000 00	5,676,000 00	5,676,000 00	\$ 5,683,642 65	6	May 1-Nov. 1.	840,560 00	
Consolidated mortgage ..	1888	1933	50,000,000 00	13,844,000 00	13,844,000 00	‡ 13,844,000 00	6	Jan. 1-July 1.	800,640 00	
Consolidated mortgage ..	....	....	.....	14,127,000 00	14,127,000 00	12,263,714 13	4½	Jan. 1-July 1.	625,005 00
Montana extension.....	1887	1937	25,000,000 00	7,616,000 00	7,616,000 00	6,106,877 56	4	June 1-Dec. 1.	302,173 34	
Pacific extension	1890	1940	2 6,000,000 00	9,696,969 70	9,696,969 70	\$	4	Jan. 1-July 1.	387,872 90	
Grand Total.....					\$ 63,825,969 70				\$ 3,261,470 34	

*See note 2. †See note 1. ‡See note 2. §See note 4—On following page.

EXPLANATORY REMARKS.

NOTE 2—These lands having been issued by another company, this company has no means of actually ascertaining the amount realized.

NOTE 3—Included in this amount are \$10,000,000 sold to stockholders under a resolution of the board of directors passed April 12, 1883. Ten per centum of the face was paid in cash by the stockholders. The remainder was applied as compensation to stockholder for his interest in the company's net revenue that had been diverted to the purposes of constructing and acquiring additional mileage, instead of having been distributed as dividends.

NOTE 4—The Pacific extension bonds were issued and paid over to the Great Northern Railway company for building this company's extension to the coast as per contract.

NOTE 5—The interest accounting on this company's bonds is paid by the Great Northern Railway company, \$2,873,598.34 being rental and \$387,873 being chargeable to line under construction.

RECAPITULATION OF FUNDED DEBT.

Class of Debt.	Amount Issued.	Amount Outstanding.	Interest.	
			Amount Accrued During Year.	Amount Paid During Year.
Mortgage bonds	\$ 62,825,969 70	\$ 2,261,470 34	Paid by the G't Northern R'y. See note 5 above
Miscel. Obligations...	
Total	\$ 62,825,969 70	\$ 2,261,470 34	

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.		Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....		\$ 170,235 86	Audited vouchers and accounts	\$ 11,942 73
Bills receivable.....			Wages and salaries	1,000 09
Due from agents.....			Net traffic balances due to other companies.....	
Due from solvent companies and individuals			Dividends not called for	
			Rentals due July 1	
			Miscellaneous.....	
			Balance—Cash assets.....	157,292 64
Total.....		\$ 170,235 86	Total	\$ 170,235 86

RECAPITULATION.

A—MILEAGE OWNED.

Account.	Total Amount Outstanding.	Apportionment.	Amount Per Mile of Road.	
		To Railroads.	Miles.	Amount.
Capital stock.....	\$ 20,000,000 00	\$ 20,000,000 00	2,850.76	\$ 7,015 67
Bonds	53,129,000 00	53,129,000 00	2,850.76	18,636 79
Pacific Extension bonds.....	9,696,969 70	.....	.....	.....
Total	\$ 82,825,969 70	\$ 73,129,000 00		\$ 25,652 46

COST OF EQUIPMENT, AND PERMANENT IMPROVEMENTS.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses				
	Charged to Construction or Equipment.				
Construction—					
Right of way		\$ 87,252 15			
Other real estate		22,195 27			
Fences.....		7,349 71			
Grading and bridge and culvert masonry		73,344 71			
Bridges and trestles.....		11,730 12			
Rails		127,837 74			
Ties		51,023 16			
Other superstructure		81,211 91			
Buildings, furniture and fixtures		11,323 94			
Engineering expenses.....		5,021 79			
Interest during construction.....		6,873 19			
Discount on securities sold for construction.....		43,880 00			
Telegraph line		368 44			
Sidings and yard extensions.....		22,419 01			
			Cannot give details.	Cannot give details.	Cannot give details.

COST OF EQUIPMENT AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses				
	Charged to Construction or Equipment.				
Other items	\$ -	12,218 31	.....	.....	.....
Total construction.....	\$	496,859 08	\$ 70,850,142 64	\$ 71,886,801 67	\$ 26,028 65
Total equipment	\$ 7,705,826 85	\$ 7,705,828 85	\$ 2,702 90
Grand total cost construction, equipment, etc.....	\$	496,859 08	\$ 76,555,969 49	\$ 79,041,828 52	\$ 27,726 55

INCOME ACCOUNT.

[For roads not making operating reports.]

Income from lease of road		\$ 4,084,672 33
Total income.....		\$ 4,084,672 33
Deductions from income—		
Salaries and maintenance of organization.. ..	\$ 11,073 99	
Interest on funded debt accrued	2,873,598 34	
Total deductions from income		2,884,672 33
Net income.....		\$ 1,200,000 00
Dividends, 6 per cent.....	\$ 1,200,000 00	
Total		1,200,000 00
Surplus on June 30, 1890 [From "General Balance Sheet," 1890 report.....		\$ 2,273,792 07
		\$ 2,273,792 07
Deductions for year, settlements of assets and liabilities as per contract with Great Northern Railway...		300,963 55
Surplus on June 30, 1891 [For entry on "General Balance Sheet."]		\$ 1,912,828 52

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1890.		Assets.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 70,850,142 64	.....	Cost of road.....	\$ 71,896,501 67	.....	\$ 496,859 08	.....
7,705,326 85	.....	Cost of equipment.....	7,705,326 85	.....	.....	.....
.....	.....	Premium on bonds reduced.....	200,000 00	.....	200,000 00	.....
198,990 87	.....	Other permanent investments.....	.....	.....	.....	.....
.....	\$ 78,754,460 36	*Pacific extension bonds account.....	.....	\$ 79,241,828 52	.....	\$ 198,990 87
.....	.....	Cash and current assets.....	.....	9,696,969 70	9,696,969 70	.....
.....	448,788 74	Grand total.....	.....	170,235 36	.....	\$ 278,550 88
.....	\$ 79,203,248 10		.....	\$ 89,106,068 58	\$ 9,903,787 48	.....

*The amount of Pacific Extension bonds is entered in balance sheet as an asset until such time as contract with the Great Northern railway for construction of this company's line to the coast is completed.

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year Ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
		Capital stock.....		\$ 20,000,000 00		
	\$ 20,000,000 00	Funded debt.....		62,825,969 70	\$ 10,040,969 70	
	52,785,000 00	Current liabilities.....		21,942 72		\$ 323,682 14
	336,624 86	State tax not due.....				7,968 19
	7,968 19	Sinking fund 1st mortgage bonds....		4,284,531 43	492,729 56	
	3,791,801 87	Sinking fund consol'd mort. bonds...		73,761 21	64,732 10	
	8,029 11	Profit and loss.....		1,912,828 52		360,983 55
	2,273,792 07	Grand total.....		\$ 89,109,083 58	\$ 9,905,787 48	
	\$ 76,208,246 10					

IMPORTANT CHANGES DURING THE YEAR—ENTIRE LINE.

Extension of road put in operation—Pembina Mountain branch, from Grafton, N. D., to Cavalier, N. D., 31.71 miles; Great Falls & Canada railway connection at Great Falls, Montana, 1.26 miles.

New bonds issued—Consolidated mortgage bonds issued as of January 1, 1891.....	\$ 476,000
—Dakota Extension bonds issued as of December 1, 1890	148,000
—Pacific Extension bonds issued as of July 1, 1890.....	\$ 2,000,000
First mortgage bonds redeemed.....	\$ 280,000

SECURITY FOR FUNDED DEBT.

Class of Security.	From—	To—	Miles.
St. Paul & Pacific bonds	St. Paul, Minn.....	Sauk Rapids, Minn.....	75.598
First mortgage bonds.....	St. Paul, Minn.....	International Boundary, St. Vincent.....	368.015
	St. Cloud, Minn.....	Sauk Rapids, Minn.....	2.441
	Minneapolis Junction, Minn.....	Breckenridge, Minn.....	205.890
	Crookston, Minn.....	Red River, Minn.....	28.542
Second mortgage	Same line as first mortgage .....	.....	624.888
Dakota extension mortgage.....	Morris, Minn.....	Brown's Valley, Minn.....	46.060
	Barnesville, Minn.....	Neché, Dakota.....	182.000
	Red River	End of line west	64.889
	Breckenridge, Minn	Portland, Dakota	100.441
	Ripton, Dakota.....	Hope, Dakota	29.610
	Everest, Minn.....	Mayville, Dakota.....	45.520
Consolidated mortgage	Same lines as first mortgage .....	.....	624.888
	Same lines as Dakota extension mortgage.....	.....	468.900
	St. Cloud, Minn.....	Willmar, Minn.....	55.060
	Elk River, Minn.....	Milaca, Minn.....	31.900
	Titab, Minn	Evansville, Minn.....	32.061
	Minneapolis, Minn.....	St. Cloud, Minn	62.900

SECURITY FOR FUNDED DEBT—Continued.

Class of Security.	From—	To—	Miles.
Consolidated mortgage.....	St. Cloud, Minn.....	Hinckley, Minn.....	66.510
	Sauk Centre, Minn.....	Eagle Bend, Minn.....	36.437
	Fergus Falls, Minn.....	Pelican Rapids, Minn.....	21.643
	Carlisle, Minn.....	Elizabeth, Minn.....	3.520
	Lake Junction, Minn.....	Spring Park, Minn.....	6.
	Shirley, Minn.....	St. Hilaire, Minn.....	21.800
	Moorhead, Minn.....	Halstead, Minn.....	34.
	Hutchinson Junction, Minn.....	Hutchinson, Minn.....	53.067
	Benson, Minn.....	Watertown, Dakota.....	91.624
	Tintah, Minn.....	Elendale, Dakota.....	104.321
	Rutland, Dakota.....	Aberdeen, Dakota.....	64.
	Moorhead, Minn.....	Wahpeton, Dakota.....	43.
	End of track, Dakota.....	Montana Boundary.....	282.533
	Portland, Dakota.....	Langdon, Dakota.....	106.199
	Mayville, Dakota.....	Portland Junction, Dakota.....	5.086
	Rugby Junction, Dakota.....	Botineau, Dakota.....	36.659
	St. Cloud, Minn.....	End of track.....	2.530
	Carmel, Minn.....	Foston, Minn.....	44.690
	Church's Ferry, Dakota.....	St. John, Dakota.....	55.210
	Grafton, Dakota.....	Cavalier, Dakota.....	31.710

SECURITY FOR FUNDED DEBT—Continued.

Class of Security.	From—	To—	Miles.
Montana extension.....	Dakota Boundary.....	Great Falls, Montana.....	419.002
	Great Falls & Canada R'y connection.....	.....	1.268

By the terms of the mortgage, the Dakota extension mortgage, in addition to the lines above enumerated thereunder, also covers all other lines owned by this company in Dakota.

The consolidated mortgage covers 12.26 miles second track, St. Paul, Minn., to near Fridley, Minn., 16.21 miles third and fourth track between St. Paul, Minn., and Minneapolis, Minn.; 14 miles second track between Minneapolis, Minn., and Lake Junction, Minn.

**EMPLOYES AND SALARIES—STATE OF NORTH
DAKOTA.**

Total (including "General Officers" entire line—Number, 14; total number of days worked, 5,110; total yearly compensation, \$10,500; average daily compensation, \$2.05.

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OWNED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Minnesota Single.....	1,238.98				.....	1,238.98		103.89	1,005.04
Minnesota 2d.....	26.92				.....	26.92		.....	26.92
Minnesota 3d.....	8.10				.....	8.10		.....	8.10
Minnesota 4th.....	8.10				.....	8.10		.....	8.10
North Dakota.....	997.92	None.	None.	None.	31.71	1,029.63	None.	143.78	885.85
South Dakota.....	99.25				.....	99.25		.....	99.25
Montana.....	418.57				1.26	419.83		.....	419.83
Total mileage owned (single track).....	2,817.79	.....	.....	.....	33.97	2,850.76	.....	307.67	2,543.09

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

BRIDGES, TRESTLES, TUNNELS, ETC.

Item.	Number.	Aggregate Length.		Minimum Length.		Maximum Length.	
		Feet.	In.	Feet.	In.	Feet.	In.
Bridges—							
Wooden	23	5,740	....	44	....	478	.....
Trestles.....	1,261	75,839	....	10	....	1,608	.....

Gauge of track, 4 feet, 8½ inches; 2,860.76 miles—Entire line.

TELEGRAPH.

OWNED BY COMPANY MAKING THIS REPORT.

Miles of line, 129.50; miles of wire, 190.50—operated by the Great Northern Railway company, jointly with the Western Union Telegraph company.

OWNED BY ANOTHER COMPANY, BUT LOCATED ON PROPERTY OF ROAD MAKING THIS REPORT.

Name of owner, Western Union Telegraph company; miles of line, 1,086; miles of wire, 2,516.05. Operated by Great Northern railway, jointly with Western Union Telegraph company.

STATE OF MINNESOTA, }
COUNTY OF RAMSEY, } ss.

We, the undersigned, Samuel Hill, president, and C. H. Warren, comptroller, of the St. Paul, Minneapolis & Manitoba Railway company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

SAMUEL HILL,
President.
C. H. WARREN,
Comptroller.

Subscribed and sworn to before me this 26d day of November, 1891.

WILLIAM A. STEPHENS,
Notary Public, Ramsey county, Minn.

[SEAL.]

ANNUAL REPORT
OF THE
MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE
RAILWAY COMPANY,
FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, Minneapolis, St. Paul & Sault Ste. Marie Railway company.

Date of organization, June 11, 1888.

The Menominee & Sault Ste. Marie Railway company was organized in the year, under the general incorporation laws of Michigan.

The Minneapolis, Sault Ste. Marie & Atlantic Railway company was organized in the year 1888, under the general incorporation laws of Wisconsin.

Said two companies were consolidated in the year 1886 under paragraphs 3342 and 3344, pages 854 and 855, Howell's Annotated Statutes of Michigan, and Section 833, Supplement to the Revised Statutes of Wisconsin.

The Minneapolis & Pacific Railway company was organized in the year 1884, and the Minneapolis & St. Croix Railway company in the year 1885, under the general incorporation laws of Minnesota.

The Aberdeen, Bismarck & Northwestern Railway company was organized in the year 1888, under the general incorporation laws of the Territory of Dakota.

In the year 1888 the said consolidated company, the said Minneapolis & Pacific Railway company, the said Aberdeen, Bismarck & Northwestern Railway company, and the said Minneapolis & St. Croix Railway company were consolidated, and all their rights, properties and franchises united and vested in one single corporation, the said Minneapolis, St. Paul & Sault Ste. Marie Railway company, under the statutes above referred to and paragraphs 66, 67 and 68, pages 381 and 382, General Laws of Minnesota for 1878, and chapter 94, General Laws of Minnesota for the year 1881, and Chapter 46, General Laws of the Territory of Dakota for the year 1879.

ORGANIZATION.

Name of Directors.	Postoffice Address.	Date of Expiration of Term.
Lowry, Thomas	Minneapolis, Minn.....	..... July 21, 1891
Van Horne, W. C	Montreal, P. Q .....	..... July 21, 1891
Finney, F. N.....	Milwaukee, Wis.....	..... July 21, 1891
Washburn, W. D....	Washington, D. C.....	..... July 21, 1891
Langdon, R. B.....	Minneapolis, Minn.....	..... July 21, 1891
Pillsbury, J. S.....	Minneapolis, Minn.....	..... July 21, 1891
Martin, John.....	Minneapolis, Minn.....	..... July 21, 1891

Total number of stockholders at date of last election, 72.

Date of last meeting of stockholders for election of directors, September, 1890.

Postoffice address of general office, Minneapolis, Minn.

Postoffice address of operating office, Minneapolis, Minn.

OFFICERS.

Title.	Name.	Location of Office.
Chairman of the Board.....	Finney, F. N.....	..... Minneapolis, Minn
President.....	Finney, F. N.....	
First Vice President....	Langdon, R. B.....	
Secretary-Treasurer	Martin, W. L.....	
General Solicitor.....	Bright, A. H.....	
Auditor.....	Gardner, C. W.....	
General Manager	Underwood, F. D.....	
Chief Engineer.....	Fisher, S. B	
Division Superintendent	Pennington, E.....	
Division Superintendent	Kellie, W. M.....	
Traffic Manager	Shute, H. L.....	
General Freight Agent ...	Sawyer, J. M.....	
General Passenger Agent.....	Hibbard, C. B.....	

PROPERTY OPERATED.

[For roads making operating reports.]

Name.	Terminals.		Miles of Line for Each Road Named.	Miles of Line for Each Class of Roads Named.
	From	To		
Railroad Line represented by Capital Stock:				
Main line—				
Minneapolis, St. Paul & Sault St. Marie	Sault Ste. Marie..	Boynton, N. D...	777.98	
Camden Place cut off.....	Shoreham, Minn.	Camden Place....	1.01	
St. Paul branch.....	Cardigan Junct..	St. Paul, Minn...	5.34	
St. Croix Falls branch	Dresser Junct	St. Croix Falls...	4.05	788.33
Line operated under Track-age Rights:				
Northern Pacific railway	Terminals at.....	Minneapolis.....	5 10	
Northern Pacific railway	Terminals at.....	St. Paul.....	2.65	
Great Northern railway.....	Minneapolis	St. Paul.....	11.00	
Northern Pacific railway	Camden Place....	Shoreham.....	.72	19 47
Total mileage operated....	.....	.....	.....	807.80

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends Declared During Year.	
					Rate.	Amount.
Capital stock—						
Common	140,000	\$ 100	\$ 14,000,000 00	\$ 14,000,000 00	....	.....
Preferred	70,000	100	7,000,000	7,000,000	....	.....
Total	210,000	\$ 100	\$ 21,000,000	\$ 21,000,000	....	.....

All stock of the present company was issued in exchange for stock of the constituent companies under articles of consolidation in June, 1888.

FUNDED DEBT.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Class of Bond or Obligation.	Time.		Amount of Authorized Issue.	Amount Issued.	Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue.	When Due.					Rate per Cent	When Payable.	Amount Accrued During Year.	Amount Paid During Year.
Mpls. & Pac. R'y Co. 1st mortgage bonds.....	Jan. 1 1886	Jan. 1 1886	\$ 4,280,000 00	\$ 4,280,000 00	\$ 4,280,000 00	\$ 3,646,500 00	4	Jan. and July	\$ 171,600 00	\$ 66,985 00
Mpls., S. S. M. & At. R'y Co. 1st mortgage bonds	Jan. 1 1886	Jan. 1 1886	10,000,000 00	10,000,000 00	10,000,000 00	8,410,000 00	4	Jan. and July	400,000 00	447,550 00
M., St. P. & S. S. M. R'y Co. 1st mort. b'ds, con.	July 1 1888	July 1 1888	6,710,000 00	6,710,000 00	5,925,000 00	3,898,249 09	4	Jan. and July	227,400 00	288,690 00
Total bonded debt....	....	....	\$ 21,000,000 00	\$ 21,000,000 00	\$ 20,215,000 00	\$ 15,454,749 09			\$ 799,000 00	\$ 753,235 00
M., St. P. & S. S. M. R'y Co. income certificates.	May 7 1900	July 1 1900	781,000 00	771,000 00	771,000 00	674,625 00				
Grand total.....			\$ 21,781,000 00	\$ 21,771,000 00	\$ 20,986,000 00	\$ 16,129,374 09			\$ 799,000 00	\$ 753,235 00

EXPLANATORY REMARKS.

The income certificates were issued in exchange for 15 per cent. of outstanding bonds, surrendered by holders. The certificates draw 7 per cent. interest, provided the road earns it after earning its fixed charges.

FUNDED DEBT—Continued.

EQUIPMENT TRUST OBLIGATIONS—GENERAL STATEMENT.

Series or Other Designation.	Date of Issue.	Term.	Number of Payments.	Equipment Covered.
The Railway Equipmt. company‡	Nov. 26, '87	10 years.	120	186 Box Cars.
The Wells French company§	June 20, '90	6 years.	13	125 Ore Cars.

‡The obligation is represented by 120 notes of \$1,122.46 each, payable to the Railway Equipment company, at the office of Post, Martin & Co., New York, one each. First one paid January 15, 1898.

§The obligation is represented by each, including \$8,766.67 principle and accrued interest, payable semi-annually. The first one due December 20, 1890.

STATEMENT OF AMOUNT.

Series or Other Designation.	Cash Paid on Delivery of Equipment.	Deferred Payments—Principal.		Deferred Payments—Interest.					Rate Per Cent.
		Original Amount.	Amount Outstanding.	Original Amount.	Amount Outstanding.	Amt. Accrued During Year.	Amt. Paid During Year.		
The Railway Equipmt. Company.....	\$ 9,977 43	\$ 134,666 20	\$ 87,551 88						
The Wells French Company.....	11,300 00	45,200 00	37,666 68	\$ 9,949 08	\$ 7,250 82	\$ 2,698 21	\$ 2,698 21		7
Total	\$ 21,277 43	\$ 179,866 20	\$ 125,218 56	\$ 9,949 08	\$ 7,250 82	\$ 2,698 21	\$ 2,698 21		

RECAPITULATION OF FUNDED DEBT.

Class of Debt.	Amount Issued.	Amount Outstanding.	Interest.	
			Amount Accrued Dur- ing Year.	Amount Paid During Year.
Mortgage bonds	\$ 21,000,000 00	\$ 20,215,000 00	\$ 799,000 00	\$ 758,205 00
Miscel. Obligations...	179,895 20	125,218 56	2,698 21	2,698 21
Income bonds.....	771,000 00	771,000 00	.....	.....
Total	\$ 21,950,895 20	\$ 21,111,218 56	\$ 801,698 21	\$ 755,908 21

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.	Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....	\$ 56,011 80	Loans and bills payable.....	\$ 128,000 00
Due from agents.....	142,859 47	Audited vouchers and accounts	202,568 74
Due from solvent companies and individuals	190,851 89	Wages and salaries.....	91,048 02
First mortgage consolidated bonds of this company.....	788,000 00	Net traffic balances due to other companies.....	58,687 31
		Matured interest coupons unpaid (including coupons due July 1)	534,745 00
		Balance—Cash assets.....	178,104 09
Total.....	\$ 1,188,223 16	Total	\$ 1,188,223 16

Materials and supplies on hand, \$247,141.71.

RECAPITULATION.

MILEAGE OWNED.

Account.	Total Amount Outstanding.	Apportionment.	Amount Per Mile of Road.	
		To Railroads.	Miles.	Amount.
Capital stock.....	\$ 21,000,000 00	\$ 21,000,000 00	788.33	\$ 26,638 59
Bonds	20,986,000 00	20,986,000 00	788.33	26,639 83
Equipment trust obligations.....	125,218 56	125,218 56	788 33	158 84
Total	\$ 42,111,218 56	\$ 42,111,218 56	788.33	\$ 53,418 26

FOR MILEAGE OPERATED BY ROAD MAKING THIS REPORT (TRACKAGE RIGHTS EXCLUDED) THE OPERATIONS OF WHICH ARE INCLUDED IN THE INCOME ACCOUNT.

Minneapolis, St. Paul & Sault Ste. Marie railway, St. Paul branch, St. Croix Falls branch.

Capital stock.....	\$ 21,000,000 00
Funded debt.....	21,111,218 56
Current liabilities.....	1,006,000 07
Total	\$ 43,116,247 63

Amount per mile of road—

Miles	788.33
Amount.....	\$ 54,606 14

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses	Charged to Construction or Equipment.			
Construction—					
Right of way	\$ 62,551 36	\$ 468,888 15	\$ 530,984 51	\$ 673 49	
Fences.....	9,087 83	91,150 29	100,217 93	127 13	
Grading and bridge and culvert masonry.....	16,407 10	8,706,761 21	8,722,648 02	4,722 20	
Bridges and trestles.....	29,686 05	1,086,152 59	1,116,363 98	1,416 11	
Rails.....	4,560 91	3,668,891 11	3,673,452 02	4,659 91	
Ties	1,278 15	706,175 29	704,448 44	898 46	
Other superstructure	25,560 24	1,160,799 66	1,186,359 90	1,554 91	
Buildings, furniture and fixtures	8,149 58	801,158 08	809,807 61	1,026 60	
Shop machinery and tools	7,748 14	72,166 80	79,914 94	101 87	
Engineering expenses.....	1,582 76	328,788 96	328,271 74	416 41	
Discount on securities sold for construction.....	1,761,888 50	18,419,289 99	20,181,078 49	25,599 78	
Telegraph line	33 84	109,949 97	109,988 81	189 51	
Wharfing, etc.....	5,098 21	337,002 87	342,100 54	433 95	
Sidings and yard extensions.....	54,062 40	185,486 67	199,499 07	240 88	
Terminal facilities and elevators	577 72	330,017 99	330,565 71	419 36	

COST OF ROAD, EQUIPMENT AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures During Year.			Total Cost to June 30, 1890.	Total Cost June 30, 1891.	Cost Per Mile.
	Not Included in Operating Expenses					
	Charged to Income Account as Per- manent Improv'mts	Charged to Construction or Equipment.				
Other items, development and improvement	\$ 1,914 88	\$ 78 53	\$ 231,886 65	\$ 231,960 18	\$ 294 27	
Total construction	\$ 1,988,220 77	\$ 31,648,910 80	\$ 33,637,131 57	\$ 42,668 84	
Equipment—						
Locomotives.....	2,992 56	542,594 39	545,536 95	692 09	
Passenger cars.....	*663 40	139,446 87	138,733 47	176 04	
Sleeping, parlor and dining cars	1,319 69	90,698 10	92,512 79	117 35	
Baggage, express and postal cars.....	1,447 40	29,388 52	30,785 92	39 06	
Combination cars.....	26,341 39	26,341 38	33 41	
Freight cars	168,219 66	1,652,469 21	1,820,688 87	2,309 55	
Other cars of all classes.....	985 73	59,913 99	60,390 72	77 25	
Floating equipment.....	‡7,892 18	45,437 16	37,594 96	47 67	
Total equipment.....	\$ 166,949 46	\$ 2,586,284 62	\$ 2,753,184 06	\$ 3,492 42	
Grand total cost construction, equipment, etc	\$ 2,155,170 28	\$ 34,285,145 42	\$ 36,890,315 65	\$ 46,161 26	
Total cost construction, equipment, etc., North Dakota	\$ 248,511 54	\$ 3,664,386 69	\$ 3,912,380 23	\$ 39,471 90	

*Sale of passenger car. ‡Depreciation on steam shovels. Transferred to construction.

*Sale of passenger car. ‡Depreciation on steam shovels. Transferred to construction.

INCOME ACCOUNT.

[For roads making operating reports.]

Gross earnings from operation.....	\$ 2,012,651 84	
Less operating expenses.....	1,404,053 53	
Income from operation.....		\$ 608,597 81
Total income		\$ 608,597 81
Deductions from income—		
Interest on funded debt accrued.....	\$ 801,698 21	
Interest on interest-bearing current liabilities accrued, not otherwise provided for.....	6,789 30	
Taxes	36,983 98	
Permanent improvements.....	1,914 88	
Other deductions, steamer Hurd*.....	5,868 08	
Total deductions from income.....		853,253 90
Deficit from operations of year ending June 30, 1891	\$ 243,656 09	
Deficit on June 30, 1890, [from "General Balance Sheet," 1890 report].....	1,566,318 92	
		\$ 1,749,975 01
Deductions for year†.....		1,576,098 50
Deficit on June 30, 1891.....		\$ 173,886 51

*Adjustment of loss arising from operating steamer Hurd.

†The \$1,576,098.50 deducted from total deficit to June 30, 1891, represents the actual loss resulting from operating the property to December 31, 1890—the same having been transferred to the cost of road by order of the president and directors.

EARNINGS FROM OPERATION.**STATE OF NORTH DAKOTA.**

Item.	Total Receipts.	Actual Earnings.
Passenger revenue.....	\$ 2,767 35	
Total passenger revenue		\$ 2,767 35
Mail		6,087 84
Express		1,821 17
Extra baggage and storage		429 05
Other items.....		123 90
Total passenger earnings		\$ 11,728 41
Freight revenue	11,651 37	
Total freight revenue		\$ 11,651 37
Total freight earnings		\$ 11,651 37
Total passenger and freight earnings		\$ 23,379 78
Telegraph companies		1,197 24
Other sources.....		906 67
Total other earnings		\$ 2,106 91
Total gross earnings from operation—North Dakota		\$ 25,486 69
Total gross earnings from operation—Entire line.....		\$ 2,018,651 84

STOCKS OWNED.

New Jersey Bridge Company (International bridge at Sault Ste. Marie) \$ 500 00

OPERATING EXPENSES.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Maintenance of way and structures—			
Repairs of roadway	\$ 53,761 92	\$ 101,934 33	\$ 155,696 25
Renewals of rails	281 66	534 05	815 71
Renewals of ties	3,471 74	6,532 54	10,004 28
Repairs of bridges and culverts	3,818 61	7,240 19	11,058 80
Repairs of fences, road-crossings, signs and cattle guards	819 56	1,553 92	2,373 48
Repairs of buildings	2,487 84	4,717 08	7,204 87
Repairs of docks and wharves .....	.....	1,469 57	1,469 57
Repairs of telegraph	1,720 62	3,262 35	4,982 97
Total	\$ 66,861 95	\$ 127,298 98	\$ 193,655 93
* Maintenance of equipment—			
Repairs and renewals of locomotives	\$ 31,968 62	\$ 65,050 83	\$ 97,019 45
Repairs and renewals of passenger cars	41,648 44	.....	41,648 44
Repairs and renewals of freight cars .....	.....	76,500 20	76,500 20
Shop machinery, tools, etc	2,219 06	4,190 32	6,409 38
Total	\$ 75,842 12	\$ 145,741 35	\$ 221,583 47
Conducting transportation—			
Wages of enginemen, firemen and roundhouse- men	\$ 36,041 21	\$ 80,431 04	\$ 116,472 25
Fuel for locomotives	48,502 94	176,585 39	225,088 33
Water-supply for locomotives	4,417 02	8,374 80	12,791 82
All other supplies for locomotives	4,925 06	9,338 09	14,263 17
Wages of other trainmen	27,638 98	71,186 63	98,825 56
All other train supplies	4,733 61	1,829 47	6,563 08
Wages of switchmen, flagmen and watchmen	10,670 09	20,230 81	30,900 90
Expense of telegraph, including train dispatch- ers and operators	9,437 83	17,894 40	27,332 23
Wages of station agents, clerks and laborers	27,810 92	52,730 38	80,541 30
Station supplies	3,130 44	5,935 41	9,065 85
Switching charges—balance .....	.....	6,915 73	6,915 73
Car mileage—balance	5,017 41	73,319 10	78,336 51
Loss and damage	7,572 95	14,358 55	21,931 50
Injuries to persons	5,201 69	9,862 59	15,064 28

OPERATING EXPENSES—Continued.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Conducting transportation—			
Other expenses	\$ 23,247 79	\$ 47,351 95	\$ 70,599 74
Total	\$ 208,313 09	\$ 419,706 14	\$ 658,019 23
General expenses—			
Salaries of officers.....	\$ 17,154 31	\$ 32,525 31	\$ 49,679 55
Salaries of clerks.....	13,615 12	26,104 31	39,719 43
General office expenses and supplies	2,709 53	5,137 33	7,846 86
Agencies, including salaries and rent	14,180 06	26,885 85	41,065 91
Advertising.....	3,778 94	7,164 98	10,943 92
Commissions.....	4,293 88	8,140 41	12,433 79
Insurance.....	2,749 73	5,213 60	7,963 33
Expense of fast freight lines.....		1,635 35	1,635 35
Expense of traffic associations	228 16	432 59	660 75
Rents for tracks, yards and terminals.....	38,572 54	73,134 80	111,707 34
Legal expenses	3,287 32	6,232 89	9,520 21
Stationery and printing	5,466 79	10,365 19	15,831 98
Other general expenses.....	7,522 96	14,263 59	21,786 45
Total	\$ 118,558 77	\$ 217,236 13	\$ 330,794 90
Recapitulation of expenses—			
Maintenance of way and structures.....	\$ 66,961 95	\$ 127,293 98	\$ 193,655 93
Maintenance of equipment	75,842 12	145,741 85	221,583 47
Conducting transportation.....	208,313 09	449,706 14	658,019 23
General expenses	113,558 77	217,236 13	330,794 90
Grand Total	\$ 464,075 93	\$ 989,977 60	\$ 1,404,053 53
Percentage of expenses to earnings—entire line.....	90.90	63.40	69 72
Operating expenses—State of North Dakota—			
Maintenance of way and structures.....	2,211 77	6,295 07	8,506 84
Maintenance of equipment.....	1,635 60	4,912 72	6,548 32

OPERATING EXPENSES—Continued.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Operating expenses—State of North Dakota—			
Conducting transportation	\$ 4,470 75	\$ 5,786 58	\$ 10,257 28
General expenses	787 79	2,124 76	2,862 55
Total	\$ 9,055 91	\$ 19,119 08	\$ 28,174 99
Percentage of expenses to earnings—North Dakota	77.21	164.00	110.55

RENTALS PAID FOR LEASE OF OTHER PROPERTY.

Designation of Property.	Situation of Property Leased.	Name of Company Owning Property Leased.	Item.	Total.
Tracks:				
Between..	Mpls. and St. Paul...	Great Nor. R'y company.	\$ 6,280 00	
Between..	Sh'm and Camden Pl.	Nor. Pac. R. R. company	168 26	
Total ...	.....	.....		\$ 6,428 26
Terminals:				
Bridge....	Sault Ste. Marie.....	New Jersey Bridge Co...	\$ 25,969 90	
Terminals.	Sault Ste. Marie.....	D. S. S. & A. R'y Co	6,000 00	
Terminals.	Minneapolis.....	N. P. & G. N. R'y Co ...	45,414 81	
Terminals.	St. Paul.....	N. P. & G. N. R'y Co ...	27,899 57	
Total ...	.....	.....		105,284 08
Grand total rents— .....	.....	.....		\$ 111,707 34

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1890.		Assets.	June 30, 1891.		Year Ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 31,643,910 80	Cost of road.....	\$ 33,637,131 57	.....	\$ 1,993,220 77	.....
2,586,294 62	Cost of equipment.....	2,753,164 06	.....	166,949 46	.....
500 00	Stocks of other companies owned....	500 00	.....	.....	.....
5,894,224 00	Other permanent investments (advan- ces for new lines, including Aber- deen, Bismarck & N. W. R'y).....	5,510,541 89	.....	116,317 80	.....
\$ 39,629,290 21		\$ 41,901,357 54	.....	.....	.....
154,572 50	Lands owned.....	162,848 91	.....	7,476 41	.....
364,337 31	Cash and current assets.....	398,223 16	.....	33,885 85	.....
1,500,000 00	First mort. consol. bonds held by this company.....	785,000 60	.....	.....	715,000 60
225,600 00	Capital stock held by this company ..	225,600 00	.....	.....	.....
	Other assets—		.....	.....	.....
147,806 63	Materials and supplies.....	247,141 71	.....	99,246 08	.....
43,491 82	Sundries.....	14,940 62	.....	.....	28,551 20
1,508,318 92	Profit and loss.....	178,888 51	.....	.....	1,329,430 41
\$ 49,572,915 69	\$ 48,572,915 69	Grand total	\$ 43,908,498 45	\$ 49,008,498 45	\$ 2,411,506 37	\$ 2,075,983 61

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
.....	\$ 21,000,000 00	Capital stock .....	.....	\$ 21,000,000 00	.....	.....
.. ..	21,101,021 40	Funded debt.....	.....	21,806,218 56	\$ 795,197 16	.....
.....	1,471,804 29	Current liabilities.....	.....	1,005,029 07	.....	\$ 466,865 22
.....	.....	Accrued interest on funded debt, not yet payable .....	.....	7,250 82	7,250 82	.....
.....	\$ 43,572,915 69	Grand total.....	.....	\$ 43,808,498 45	\$ 805,447 98	\$ 466,865 22

EXPLANATORY REMARKS.

Please note that the funded debt shown in balance sheet is \$21,896,218.56; whereas funded debt, amount outstanding is \$21,111,218.56; the difference is occasioned by the first mortgage bonds owned by this company, \$785,000.00, included in the statement of assets. They may not properly be considered as outstanding, hence are not included in the item "Amount Outstanding."

IMPORTANT CHANGES DURING THE YEAR—STATE OF NORTH DAKOTA.

Seven hundred and seventy-one income certificates issued in exchange for an equal amount of first mortgage consolidated bonds.

Interest on bonded indebtedness reduced from 5 to 4 per cent. per annum.

EXPLANATORY REMARKS.

These 771 income certificates were issued in exchange for an equal amount of bonds, in accordance with agreement between this company and the Canadian Pacific railway, whereby the latter company guarantees the interest on bonds to the amount of \$21,000,000, provided all are surrendered for endorsement and the interest reduced from 5 to 4 per cent. per annum.

CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSINESS WITHIN STATE OF NORTH DAKOTA.

AMERICAN EXPRESS COMPANY CONTRACT.

For a tonnage equal to 2,720 pounds, carried 494 miles daily, the compensation is \$1,041.67 per month. Excess to be paid for at same proportionate rate.

UNITED STATES POSTOFFICE DEPARTMENT.

Minneapolis to Fairmount, N. D., \$47.88 per mile per annum; Fairmount to Oakes, N. D., \$62.94 per mile per annum.

Company owns its sleepers, but operates them jointly with the Canadian Pacific railway and Boston & Lowell systems, each road receiving mileage proportion of the net earnings.

Company owns and operates its telegraph lines. No contracts.

SECURITY FOR FUNDED DEBT.

Class of Bond or Obligation.	What Road Mortgaged.			Amount of Mortgage per Mile of Line.	What Equipment Mortgaged.
	From—	To—	Miles.		
Minneapolis & Pacific Railway company 1st mortgage.....	Minneapolis, Minn	Boynton, N. D....	287.60	\$ 14,916 55	All equipments.
Minneapolis, Sault Ste. Marie & Atlantic railway 1st mortgage bonds.....	Minneapolis, Minn including branches Croix Falls.....	S. Ste. Marie, Mich to St. Paul and St.	500.78	19,970 84	All equipments.
Minneapolis, St. Paul & Sault Ste. Marie Railway company 1st mortgage consolidated bonds.....	S. Ste. Marie, Mich including	to Boynton, N. D. branches	788.33	8,511 06	All equipments.

EMPLOYES AND SALARIES—STATE OF NORTH DAKOTA.

Class.	Num- ber.	Total Number of Days Worked.	Total Yearly Compensation.	Average Daily Compensation.
General officers.....	.....	.....	\$ 617 78	\$ 10 42
General office clerks .....	.....	.....	490 13	2 12
Station Agents	10	3,120	4,814 56	1 54
Enginemen.....	2	573	1,913 82	3 34
Firemen.....	2	573	1,168 92	2 04
Conductors.....	2	573	1,810 68	3 16
Other trainmen.....	4	1,146	1,719 00	1 50
Machinists	4	1,248	2,658 24	2 13
Carpenters	2	624	1,248 00	2 00
Section foremen	12	3,744	6,439 68	1 72
Other trackmen.....	3	986	1,170 00	1 25
Total (incl. "Gen. Officers") North Dakota..	41	12,537	\$ 24,050 76	\$ 1 92
Less "General Officers,"	.....	.....	1,107 86	.....
Total (exclud. "Gen. Officers") North Dakota	41	12,537	\$ 22,942 90	\$ 1 83
Distribution of above—				
General administration .....	.....	.....	1,107 86	3 59
Maintenance of way and structures	15	4,699	7,699 68	1 61
Maintenance of equipment.....	6	1,972	3,986 24	2 08
Conducting transportation.....	20	5,966	11,426 98	1 90
Total (incl. "Gen. Officers") North Dakota...	41	12,537	\$ 24,050 76	\$ 1 92
Less "General Officers,"	.....	.....	1,107 86	.....
Total (exclud. "Gen. Officers") North Dakota	41	12,537	\$ 22,942 90	\$ 1 83
Total (including "Gen. Officers") Entire Line	1,489	465,967	\$ 847,558 65	\$ 1 82

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic :		
Number of passengers carried earning revenue.....	4,490	.....
Number of passengers carried one mile	188,273	.....
Average distance carried	29	.....
Total passenger revenue		\$ 8,767 85
Average amount received from each passenger		88.905
Average receipts per passenger per mile		02.826
Estimated cost of carrying each passenger one mile. .		06.795
Total passenger earnings		11,728 41
Passenger earnings per mile of road		118 81
Passenger earnings per train-mile		89.523
Freight traffic :		
Number of tons carried of freight earning revenue....	22,496	.....
Number of tons carried one mile	849,928	.....
Average distance haul of one ton	37	.....
Total freight revenue		11,651 87
Average amount received for each ton of freight.....		51.793
Average receipts per ton per mile		01.570
Estimated cost of carrying one ton one mile		08.249
Total freight earnings		11,651 87
Freight earnings per mile of road		117 53
Freight earnings per train-mile		81.183
Passenger and freight:		
Passenger and freight revenue		15,418 72
Passenger and freight revenue per mile of road		155 54
Passenger and freight earnings		23,379 78
Passenger and freight earnings per mile of road		235 85
Gross earnings from operations		25,486 00
Gross earnings from operation per mile of road		267 10
Expenses		23,174 00
Expenses per mile of road		284 22

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train mileage—		
Miles run by passenger trains.....	950	
Miles run by freight trains.....	912	
Miles run by mixed trains.....	48,608	
Total mileage of trains earning revenue.....	50,465	
Miles run by construction and other trains.....	4,280	
Grand total train mileage.....	54,725	
Mileage of loaded freight cars—North or east.....	54,989	
Mileage of loaded freight cars—South or west.....	62,079	
Mileage of empty freight cars—North or east.....	17,443	
Mileage of empty freight cars—South or west.....	15,574	
Average number of freight cars in train.....	3	
Average number of loaded cars in train.....	2	
Average number of empty cars in train.....	1	

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE.

Item.	Column for Tonnage Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger Traffic:		
Number of passengers carried earning revenue	320,544	.....
Number of passengers carried one mile	19,760,159	.....
Average distance carried	61.8	.....
Total passenger revenue.....		\$ 428,374.47
Average amount received from each passenger.....		1.33608
Average receipts per passenger per mile .....		.02168
Estimated cost of carrying each passenger one mile....		.02348
Total passenger earnings		510,477.29
Passenger earnings per mile of road.....		631.81
Passenger earnings per train-mile		89.014
Freight Traffic:		
Number of tons carried of freight earning revenue	1,102,333	.....
Number of tons carried one mile	204,139,950	.....
Average distance haul of one ton	185	.....
Total freight revenue.....		1,449,750.35
Average amount received for each ton of freight.....		1.31151
Average receipts per ton per mile.....		.00726
Estimated cost of carrying one ton one mile .....		.00490
Total freight earnings		1,482,331.00
Freight earnings per mile of road		1,835.08
Freight earnings per train mile		1.35361
Passenger and Freight:		
Passenger and freight revenue.....		1,878,124.82
Passenger and freight revenue per mile of road.....		2,324.98
Passenger and freight earnings		1,992,868.29
Passenger and freight earnings per mile of road		2,466.89
Gross earnings from operation.. ..		2,013,651.34
Gross earnings from operation per mile of road.....		2,492.75
Expenses		1,404,063.53
Expenses per mile of road		1,788.12

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train Mileage :		
Miles run by passenger trains	524,079	
Miles run by freight trains.....	933,831	
Miles run by mixed trains	167,613	
Total mileage trains earning revenue.....	1,660,583	
Miles run by switching trains.....	90,488	
Miles run by construction and other trains....	63,911	
Grand total train mileage.....	1,814,962	
Mileage of loaded freight cars—North or east	8,597,877	
Mileage of loaded freight cars—South or west.....	8,699,890	
Mileage of empty freight cars—North or east.....	2,093,682	
Mileage of empty freight cars—South or west.....	2,015,502	
Average number of freight cars in train.....	23	
Average number of loaded cars in train.....	18	
Average number of empty cars in train.....	4	

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA.

[Company's Material Excluded.]

Commodity.	Freight Orig- inating on this Road.	Freight Rec'd from Connect- ing Roads and Other Carriers	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Products of Agriculture—	Whole Tons.	Whole Tons.		
Grain	8,628	.....	8,628	38.85
Flour.....	497	.....	497	2.21
Fruit and vegetables.....	13	.....	13	.06
Other.....	70	.....	70	.31
Products of Animals—				
Live stock.....	208	.....	208	.90
Products of Mines—				
Anthracite coal	80	522	522	2.50
Bituminous coal.....	.....	966	966	4.39
Stone, sand and other like articles.....	24	.....	24	.10
Salt.....	.....	81	81	.18
Products of Forest—				
Lumber.....	9,818	15	9,823	49.68
Manufactures—				
Other castings and machinery.....	158	.....	158	.68
Cement, brick and lime.....	160	.....	160	.71
Agricultural implements.....	95	.....	95	.42
Household goods and furniture	70	.....	70	.31
Merchandise.....	1,067	.....	1,067	4.74
Miscellaneous—Other commodities not mentioned above.....	189	.....	189	.61
Total tonnage—North Dakota....	20,962	1,584	22,496	100.00
Total tonnage, entire line	811,508	290,825	1,102,333	100.00

DESCRIPTION OF EQUIPMENT.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Locomotives—						
Passenger	12	12	Westinghouse	.....	.....
Freight.....	47	47	Westinghouse	.....	.....
Switching	3	3	Westinghouse	.....	.....
Total locomotives..	62	62			
Cars in passenger service—						
First-class passenger cars	16	16	Westinghouse	16	Janney.
Second-class passenger cars	9	9	Westinghouse	9	Janney.
Combination passenger cars	5	5	Westinghouse	5	Janney.
Dining cars.....	3	3	Westinghouse	3	Janney.
Sleeping cars.....	5	5	Westinghouse	5	Janney.
Baggage, express and postal cars.....	11	11	Westinghouse	11	Janney.
Other cars in passenger service.....	1	1	Westinghouse	1	Janney.
Total	50	50		50	
Cars in freight service—						
Box cars.....	200	2,243	2,243	Hand Power.		
Flat cars.....	817	817	Hand Power.		
Stock cars	25	25	Hand Power.		

DESCRIPTION OF EQUIPMENT—Continued.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Charcoal cars.....	15	37	37	Hand Power.		
Refrigerator cars.....	6	7	7	Hand Power.		
Other cars.....	.....	10	10	Hand Power.		
Ore cars.....	141	150	150	Hand Power.		
Total.....	393	3,239	3,239			
Cars in company's service—						
Gravel cars.....	.....	20	20	Hand Power.		
Derrick cars.....	.....	2	2	Hand Power.		
Caboose cars.....	.....	35	35	Hand Power.		
Other road cars.....	.....	4	4	Hand Power.		
Total.....	.....	61	61			
Cars contributed to fast freight line service.....	.....	488	488	Hand Power.		
Total cars owned.....	.....	3,888	3,888			
Cars leased.....	.....	2	2	Hand Power.		
Grand total cars.....	.....	3,890	3,890			

MILEAGE.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed During Year.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....	777.98	10.40	.....	.....	19.47	897.80	4.01	.....	897.80
Miles of yard track and sidings.....	89.23	.....	.....	.....	.....	89.23	6.47	.....	89.23
Total mileage operated (all tracks).....	867.16	10.40	.....	.....	19.47	897.03	7.48	.....	897.03

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.				Iron.	Steel.
Dakota.....	99.13	.....	1 01	99.13	.....	.....	99.13
Minnesota	223.99	6.35	.....	230.34	19.47	.....	249.81
Wisconsin	292.80	4.05	.....	296.85	.....	.....	296.85
Michigan	191.01	.....	.....	192.01	.....	.....	192.01
Total mileage operated (single track).....	777.93	10.40	1.01	786.33	19.47	.....	807.80

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OWNED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Dakota	99.13	.....			.....	99.13		.....	99.13
Minnesota	223.99	6.85			1.01	230.34	None.	.....	230.34
Wisconsin	262.80	4.06			.....	266.85		.....	266.85
Michigan	192.01	.....			.....	192.01		.....	192.01
Total mileage owned (single track)	777.93	10.40	.....	.....	1.01	788.33	.....	.....	788.33

RENEWALS OF RAILS AND TIES—STATE OF NORTH DAKOTA.

New Rails Laid During Year.				New Ties Laid During Year.		
Kind.	Tons.	Weight Per Yard.	Average Price per Ton at Distributing Point.	Kind.	No.	Average Price at Distribut'g Point.
Steel	1	60 lbs.	\$ 38 50	Soft.....	55	20
Total Steel	1	60 lbs.	\$ 38 50	Total	55	20

CONSUMPTION OF FUEL BY LOCOMOTIVES — STATE OF NORTH DAKOTA.

Locomotives.	Coal, Tons—Bituminous.	Wood—Cords.		Total Fuel Consumed Tons.	Miles Run	Average Pounds Consumed per Mile.
		Hard.	Soft.			
Passenger	243	None.	8	247	13,117	37.66
Freight.....	1,353		28	1,367	37,795	72.33
Construction	72		2	73	4,260	34.27
Total	1,668	.....	38	1,687	55,172	61.15
Average cost at distributing point ....	.....	.....	.....	\$ 3 61		

CHARACTERISTICS OF ROAD—ENTIRE LINE.

Working Divisions or Branches.			Alignment.		Profile.							
From—	To—	Miles.	Number of Curves.	Aggregate Length of Curved Lane. Miles.	Length of Straight Line. Miles.	Length of Level Line. Miles.	Number	Sum of Ascents. Feet.	Aggregate Length of Ascending Grades. Miles.	Number	Sum of Descents. Feet.	Aggregate Length of Descending Grades. Miles.
Minneapolis	Sault Ste. Marie.....	491.34	448	90.23	401.11	128.60	1,079	4,877	179.84	1,087	502.0	182.90
Cardigan Junction.....	St. Paul.....	5.34	13	2.41	2.93	1.82	5	30	1.31	13	11.1	2.71
Dresser Junction.....	St. Croix Falls.....	4.05	8	1.43	2.62	.51	14	90	1.29	9	12.5	2.25
Minneapolis	Boynton	286.59	166	26.43	260.16	89.79	860	2,911	112.70	679	222.0	84.10
Shoreham.....	Camden Place.....	1.01	3	.44	.57	.62	....	.....	.....	2	8.5	.39
	Total.....	788.33	688	120.94	667.39	220.84	1,958	7,908	286.14	1,790	746.1	272.85

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

BRIDGES AND TRESTLES.

Trestles, wooden—	
Number	56
Aggregate length (feet)	3,840
Minimum length (feet)	30
Maximum length (feet)	405
Gauge of track, 4 feet, 8½ inches. 99.13 miles.	

TELEGRAPH.

OWNED AND OPERATED BY COMPANY MAKING THIS REPORT.

Miles of line	99.13
Miles of wire	198.26

STATE OF MINNESOTA, }
COUNTY OF HENNEPIN, } ss.

We, the undersigned, F. D. Underwood, general manager, and C. W. Gardner, auditor, of the Minneapolis, St. Paul & Sault Ste. Marie Railway company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

F. D. UNDERWOOD,
General Manager.
C. W. GARDNER,
Auditor.

Subscribed and sworn to before me this 5th day of January, 1892.

W. L. MARTIN,
Notary Public.

[SEAL.]

ANNUAL REPORT

OF THE

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, Chicago, Milwaukee & St. Paul Railway company.

Date of organization, May 5, 1868.

Organized under laws of Wisconsin.

This company was formed on the foreclosure of a portion of the LaCrosse & Milwaukee railroad, organized under the Revised Statutes of Wisconsin of 1858, Chapter 79, Section 33.

ORGANIZATION.

Name of Directors.	Postoffice Address.	Date of Expiration of Term.
Philip D. Armour.....	Chicago.....	..... September 16, 1891
August Belmont, Jr.....	New York.....	..... September 16, 1891
Frank S. Bond.....	New York.....	..... September 16, 1891
Hugh T. Dickey.....	New York.....	..... September 16, 1891
Peter Geddes.....	New York.....	..... September 16, 1891
Frederick Layton.....	Milwaukee.....	..... September 16, 1891
George C. Magoun.....	New York.....	..... September 16, 1891
Joseph Milbank.....	New York.....	..... September 16, 1891
Roswell Miller.....	Chicago.....	..... September 16, 1891
Wm. Rockefeller....	New York.....	..... September 16, 1891
Samuel Spencer.....	New York.....	..... September 16, 1891
A. Van Santvoord.....	New York.....	..... September 16, 1891
J. Hood Wright.....	New York.....	..... September 16, 1891

Total number of stockholders at date of last election, 2,854.

Date of last meeting of stockholders for election of directors, September 20, 1890.

Postoffice address of general office, Chicago, Illinois.

Postoffice address of operating office, Chicago, Illinois, Rand-McNally Building.

OFFICERS.

Title.	Name.	Location of Office.
President.....	Roswell Miller.....	Chicago
First Vice President...	Frank S. Bond.....	New York
Third Vice President	E. P. Ripley	Chicago
Secretary	P. M. Myers.....	Milwaukee
Treasurer.....	F. G. Ranney.....	Chicago
Assistant Treasurer.....	John McNab.....	Chicago
General Solicitor.....	John Fish.....	Chicago
General Counsel	John W. Cary	Chicago
Comptroller	E. Q. Sewall.....	Chicago
General Auditor	W. N. D. Winne.....	Chicago
General Manager	A. J. Earling.....	Chicago
Chief Engineer.....	D. J. Whittemore.....	Chicago
General Superintendent.....	W. G. Collins.....	Chicago
Asst. General Superintendents..	Two in number	
Division Superintendents	Fifteen in number.....	
Superintendent of Telegraph....	U. J. Fry.....	Milwaukee
First Traffic Manager.....	A. C. Bird.....	Chicago
General Freight Agent ...	J. H. Hiland.....	Chicago
Asst. General Freight Agents ..	Three in number.....	
General Passenger Agent.....	G. H. Heafford	Chicago
Asst. General Passenger Agents	Three in number.....	
General Ticket Agent.....	G. H. Heafford	Chicago
Asst. General Ticket Agents....	Two in number	
General Baggage Agent	W. D. Carrick.....	Milwaukee
Land Commissioner	H. G. Haugan	Milwaukee

PROPERTY OPERATED.

[For roads making operating reports.]

From—	To—	Illinois.	Wisconsin.	Iowa.	Minnesota.	North Dakota.	South Dakota.	Missouri.	Total.
Chicago	Milwaukee	44.67	57.92	.....	.....	.....	.....	.....	82.59
Rondout	Libertyville.....	3.00	.....	.....	.....	.....	.....	.....	3.00
Chicago	Llewellyn Park.....	13.59	.....	.....	.....	.....	.....	.....	13.59
North Chicago.....	Pacific Junction.....	3.39	.....	.....	.....	.....	.....	.....	3.39
Pacific Junction	Savanna	133.02	.....	.....	.....	.....	.....	.....	133.02
Galewood.....	Dunning	8.18	.....	.....	.....	.....	.....	.....	8.18
Savanna	Council Bluffs	2.30	.....	349.18	.....	.....	.....	.....	351.48
Elk River Junction...	Clinton .....	.....	.....	10.01	.....	.....	.....	.....	10.05
Davenport	Jackson Junction...	.....	.....	131.50	.....	.....	.....	.....	131.50
Eldridge.....	Hurstville.....	.....	.....	34.61	.....	.....	.....	.....	34.61
Paralta	Farley.....	.....	.....	43.63	.....	.....	.....	.....	43.63
Marion	Ottumwa .....	.....	.....	97.00	.....	.....	.....	.....	97.00
Ottumwa Junction ...	Coburg .....	.....	.....	62.27	.....	.....	.....	140.97	202.54
Racine... ..	Kittredge.....	50.63	60.31	.....	.....	.....	.....	.....	110.94
Savanna	Port Byron Junction..	47.70	.....	.....	.....	.....	.....	.....	47.70
Elkhorn	Eagle.....	.....	16.59	.....	.....	.....	.....	.....	16.59
Rockton	Rockford	14.94	.....	.....	.....	.....	.....	.....	14.94
Milwaukee	Prairie du Chien.....	.....	135.36	.....	.....	.....	.....	.....	135.36
Stock Y'ds, Milwaukee	Merrill Park.....	.....	.80	.....	.....	.....	.....	.....	.80

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

From—	To—	Illinois.	Wisconsin.	Iowa.	Minnesota.	North Dakota.	South Dakota.	Missouri.	Total.
Mazonie ..	Prairie du Sac.....	.....	10.37	.....	.....	.....	.....	.....	10.37
Loce Rock.....	Richland Center....	.....	16.22	.....	.....	.....	.....	.....	16.22
Milton	Shullsburg .....	.....	76.84	.....	.....	.....	.....	.....	76.84
Janesville	Beloit .....	.....	13.86	.....	.....	.....	.....	.....	13.86
Brodhead ...	New Glarus.....	.....	22.78	.....	.....	.....	.....	.....	22.78
Warren	Mineral Point.....	1 01	31.28	.....	.....	.....	.....	.....	32.29
Calamine	Platteville.....	.....	17.06	.....	.....	.....	.....	.....	17.06
South Milwaukee ..	La Crosse.....	.....	196.37	.....	.....	.....	.....	.....	196.37
Watertown Junction ..	Madison .....	.....	36.48	.....	.....	.....	.....	.....	36.48
Portage City.....	East Madison.....	.....	33.01	.....	.....	.....	.....	.....	33.01
New Lisbon	Necedah .....	.....	12.74	.....	.....	.....	.....	.....	12.74
Viroqua Junction . . .	Viroqua .....	.....	32.17	.....	.....	.....	.....	.....	32.17
North La Crosse.....	Ondaska .....	.....	3.76	.....	.....	.....	.....	.....	3.76
Tomah	Minocqua.....	.....	161.51	.....	.....	.....	.....	.....	161.50
Mather	Carrick .....	.....	16.01	.....	.....	.....	.....	.....	16.01
Lapham Junction.....	Zeda .....	.....	2.66	.....	.....	.....	.....	.....	2.66
North Milwaukee.....	Portage City.....	.....	100.27	.....	.....	.....	.....	.....	100.27
Merrill Park.....	Schwartzburg.....	.....	6.25	.....	.....	.....	.....	.....	6.25
Cement Line Junction.	Rock .....	.....	1 06	.....	.....	.....	.....	.....	1.06

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

From—	To—	Illinois.	Wisconsin.	Iowa.	Minnesota.	North Dakota.	South Dakota.	Missouri.	Total.
Iron Ridge.....	Fond du Lac.....	.....	28.53	.....	.....	.....	.....	.....	28.53
Horicon.....	Berlin.....	.....	42.90	.....	.....	.....	.....	.....	42.90
Brandon.....	Markesan.....	.....	11.49	.....	.....	.....	.....	.....	11.49
Rush Lake Junction...	Winneconne.....	.....	14.99	.....	.....	.....	.....	.....	14.99
Sabula Junction.....	River Junction.....	.....	.....	185.19	24.93	.....	.....	.....	161.11
Bellevue.....	Cascade.....	.....	.....	35.77	.....	.....	.....	.....	35.77
Turkey River Junction	West Union.....	.....	.....	55.24	.....	.....	.....	.....	55.24
Waukon Junction....	Waukon.....	.....	.....	23.95	.....	.....	.....	.....	22.95
Reno.....	Preston.....	.....	.....	.....	57.77	.....	.....	.....	57.77
North La Crosse.....	St. Paul.....	.....	1.89	.....	128.43	.....	.....	.....	129.31
St. Paul.....	Minneapolis.....	.....	.....	.....	8.90	.....	.....	.....	8.90
St. Croix Junction....	Stillwater.....	.....	.....	.....	24.78	.....	.....	.....	24.78
Wabasha.....	Zumbrota.....	.....	.....	.....	60.21	.....	.....	.....	60.21
Wabasha.....	Chippewa Falls.....	.....	59.55	.....	1.33	.....	.....	.....	61.88
Red Cedar Junction...	Cedar Falls.....	.....	20.67	.....	.....	.....	.....	.....	20.67
North McGregor.....	Chamberlain.....	.....	.....	291.46	.....	.....	149.77	.....	441.23
Beulah.....	Elkader.....	.....	.....	19.22	.....	.....	.....	.....	19.22
Spencer.....	Spirit Lake.....	.....	.....	20.18	.....	.....	.....	.....	20.18
Rock Valley.....	Eden.....	.....	.....	8.99	.....	.....	.39	.....	9.38

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

From—	To—	Illinois.	Wisconsin.	Iowa.	Minnesota.	North Dakota.	South Dakota.	Missouri.	Total.
Marion Junction.....	Running Water.....	.....	.....	.....	.....	.....	63.85	.....	63.85
Calmar.....	Minneapolis.....	.....	.....	41.38	180.64	.....	.....	.....	172.02
Conover.....	Decorah.....	.....	.....	10.00	.....	.....	.....	.....	10.00
Austin.....	Mason City.....	.....	.....	27.95	11.34	.....	.....	.....	39.29
Mendota.....	St. Paul.....	.....	.....	.....	.36	.....	.....	.....	.36
Northfield.....	Cannon Junction.....	.....	.....	.....	31.98	.....	.....	.....	31.98
La Crescent.....	Woonsocket.....	.....	.....	.....	206.22	.....	97.20	.....	283.42
Wells.....	Mankato.....	.....	.....	.....	38.06	.....	.....	.....	38.06
Madison.....	Bristol.....	.....	.....	.....	.....	.....	108.02	.....	108.02
South Minneapolis.....	Ortonville.....	.....	.....	.....	177.27	.....	.....	.....	177.27
Glencoe.....	Hutchinson.....	.....	.....	.....	13.45	.....	.....	.....	13.45
Hopkins.....	Lake Minnetonka.....	.....	.....	.....	7.84	.....	.....	.....	7.84
Ortonville.....	Fargo.....	.....	.....	.....	46.29	69.40	1.28	.....	116.97
Ortonville Junction...	Aberdeen.....	.....	.....	.....	1.47	.....	107.02	.....	108.49
Haastings.....	Benton Junction.....	.....	.....	.....	53.71	.....	.....	.....	53.71
Milbank.....	Northwest.....	.....	.....	.....	.....	.....	33.00	.....	33.00
Andover.....	Harlem.....	.....	.....	.....	.....	17.20	38.71	.....	55.91
Mitchell.....	Aberdeen.....	.....	.....	.....	.....	.....	138.31	.....	138.31
Aberdeen.....	Edgeley.....	.....	.....	.....	.....	31.61	32.72	.....	64.33

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

From—	To—	Illinois.	Wisconsin.	Iowa.	Minnesota.	North Dakota.	South Dakota.	Missouri.	Total.
Aberdeen	Bowdle .....	.....	.....	.....	.....	.....	57.02	.....	57.02
Roscoe.....	Orient.....	.....	.....	.....	.....	.....	40.99	.....	40.99
Roscoe.....	Eureka .....	.....	.....	.....	.....	.....	28.39	.....	28.39
Manilla	Sioux City.....	.....	.....	90.17	.....	.....	...	.....	90.17
Sioux City.....	Scotland Junction.....	.....	.....	5.40	.....	.....	82.22	.....	87.62
Scotland	Mitchell.....	.....	.....	.....	.....	.....	47.67	.....	47.67
Tripp	Armour .....	.....	.....	.....	.....	.....	20.45	.....	20.45
Elk Point.....	Sioux Falls Junction.	.....	.....	34.92	.....	.....	67.81	.....	102.73
Necedah.....	Babcock .....	.....	18.94	.....	.....	.....	.....	.....	18.94
Babcock	Pittsville.....	.....	9.97	.....	.....	.....	.....	.....	9.97
Pittsville Junction	Vesper .....	.....	8.42	.....	.....	.....	.....	.....	8.42
Dexterville	Lynn .....	.....	22.45	.....	.....	.....	.....	.....	22.45
Lynn	Northwest. ....	.....	2.45	.....	.....	.....	.....	.....	2.45
In City of Fond du Lac	.....	.....	2.34	.....	.....	.....	.....	.....	2.34
Total main track owned solely C. M. & St. P. R'y		317.43	1,354.07	1,551.17	1,114.89	118.21	1,096.82	140.27	5,692.86

PROPERTY OPERATED—*Continued.*

[For roads making operating reports.]

Total main track owned solely by C., M. & St. P. R'y Co.....	5,692.86
Miles of main track in which the Chicago, Milwaukee & St. Paul Railway company owns a joint interest with	
Chicago & Northwestern railway and Pittsburg, Cincinnati, Chicago & St. Louis railway, Chicago .....	.89
Wisconsin Central lines, Chippewa Falls.....	1.22
Chicago & Northwestern railway and Pittsburg, Cincinnati, Chicago & St. Louis railway, Chicago.....	.10
Chicago, St. Paul, Minneapolis & Omaha railway, Mendota to St. Paul....	5.20
Chicago & Iowa railroad, Davis Junction.....	.16
Davenport, Iowa & Dakota railway, Davenport.....	1.67
Illinois Central railroad, Chicago, St. Paul, Minneapolis & Omaha railway and Sioux City & Pacific railway, Sioux City.....	.23
Chicago & Northwestern railway, Fond du Lac.....	.28
Miles of main track used jointly	9.45
[We have no such distinction as "Main Line and Branches."]	
Total main track used solely and jointly.....	5,702.31
Line operated under contract, or where the rental is contingent upon earnings or other considerations—	
Oshkosh to Ripon	19.09
Line operated or used under trackage rights—	
Pittsburg, Cincinnati, Chicago & St. Louis railway, Chicago.....	2.37
Illinois Central railroad, Dubuque.....	.67
Kansas City, Fort Scott & Memphis railway, Kansas City.....	1.48
Kansas City Belt railway, Coburg to Kansas City.....	5.67
Chicago & Iowa railroad, Rockford to Davis Junction.....	11.97
Chicago, Rock Island & Pacific railway, Port Byron Junction and Rock Island	6.78
Total.....	29.00
Total miles main track.....	5,730.49

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends Declared During Year.	
					Rate.	Amount.
Capital stock....						
Common.....	Not fixed.	\$ 100 00	Not fixed.	\$46,027,261 00	....	.....
Preferred.....	Not fixed.	100 00	Not fixed.	22,198,900 00	7	\$1,582,158 00
Total.....	.....	\$ 100 00	.....	\$68,226,161 00	....	\$1,582,158 00

Manner of Payment of Capital Stock.	Number Shares Issued During Year.	Total Number of Shares Issued.	Total Cash Realized.
Issued for cash—common.....	.....	17,064,026	\$ 16,892,069 06
Issued for cash—preferred.....	.....	5,196,917	5,212,248 80
Issued in exchange for bonds—preferred.....	3,500	6,367,500	.....
Issued in exchange for Mil. & Nor. railroad stock....	61,588	6,158,800	.....
*Issued for dividends—common.....	.....	8,262,026	... ..
Issued for purchase of stock of other companies and other lines of road.....	Common	14,522,908	.....
	Preferred	10,632,483	.....
Total.....	65,173	68,226,161	\$ 21,604,317 85

*The stock issued for dividends was in lieu of amount of net earnings which had been expended for construction and was charged to income account.

FUNDED DEBT.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Description of Bonds.	Time.		Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue.	When Due.			Rate per Cent	When Payable.	Amount Accrued During Year.	Amount Paid During Year.
Milwaukee & St. Paul railway.....	1863	1893	\$ 4,023,000 00		7	Jan. and July.	\$ 322,745 00	\$ 344,505 00
Iowa & Minnesota division.....	1867	1897	3,193,000 00		7	Jan. and July.	223,890 00	231,900 00
Prairie du Chien division, first mortgage.....	1868	1898	3,674,000 00		8	Feb. and Aug.	293,920 00	305,000 00
Prairie du Chien division, second mortgage.....	1868	1898	1,239,000 00		7.3	Feb. and Aug.	90,323 17	91,140 50
Chicago & Milwaukee division.....	1873	1903	2,333,000 00		7	Jan. and July.	167,510 00	167,660 00
St. Paul (or River) division.....	1872	1902	3,233,000 00		7	Jan. and July.	229,810 00	233,635 00
St. Paul (or River) division, sterling.....	1872	1902	521,500 00		7	Jan. and July.	36,505 00	38,010 00
Iowa & Dakota division.....	1869	1900	541,000 00		7	Jan. and July.	37,870 00	37,920 00
Hastings & Dakota division.....	1872	1902	86,000 00		7	Jan. and July.	6,280 00	6,290 00
Consolidated.....	1875	1905	11,486,000 00		7	Jan. and July.	808,320 00	808,425 00
Terminal.....	1884	1914	4,773,000 00		5	Jan. and July.	238,650 00	237,675 00
Iowa & Dakota division extension.....	1878	1908	3,503,000 00		7	Jan. and July.	245,850 00	245,850 00
Hastings & Dakota division extension.....	1880	1910	5,690,000 00		7	Jan. and July.	397,800 00	398,085 00
Hastings & Dakota division extension.....	1880	1910	990,000 00		5	Jan. and July.	49,900 00	49,475 00
Southwestern division.....	1879	1909	4,000,000 00		6	Jan. and July.	240,000 00	238,320 00
La Crosse & Davenport division.....	1879	1919	2,400,000 00		5	Jan. and July.	126,000 00	124,700 00
Chicago & Pacific division.....	1880	1910	3,000,000 00		6	Jan. and July.	180,000 00	180,370 00

Unable to ascertain the consideration upon which all bonds were originally issued.

FUNDED DEBT—Continued.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Description of Bonds.	Time.		Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue	Wh'n Due			Rate per Cent	When Payable	Amount Accrued During Year.	Amount Paid During Year.
Chicago & Pacific Western division.....	1881	1921	\$25,840,000 00	Unable to ascertain the consideration upon which all bonds were originally issued.	5	Jan. and July.	\$ 1,287,000 00	\$ 1,280,275 00
Southern Minnesota division.....	1880	1910	7,482,000 00		6	Jan. and July.	446,800 00	446,010 00
Mineral Point division.....	1880	1910	2,840,000 00		5	Jan. and July.	142,000 00	142,075 00
Dubuque division.....	1880	1920	6,566,000 00		6	Jan. and July.	398,300 00	398,300 00
Wisconsin Valley division.....	1880	1920	2,891,000 00		6	Jan. and July.	114,300 00	119,910 00
Wisconsin & Minnesota division.....	1881	1921	4,756,000 00		5	Jan. and July.	287,750 00	288,775 00
Chicago & Lake Superior division.....	1881	1921	1,800,000 00		5	Jan. and July.	88,000 00	87,800 00
Chicago & Missouri River division.....	1886	1926	8,098,000 00		5	Jan. and July.	154,180 00	154,400 00
Dakota & Great Southern railway.....	1886	1916	2,866,000 00		5	Jan. and July.	142,300 00	142,500 00
Fargo & Southern railway.....	1888	1924	1,250,000 00		6	Jan. and July.	75,000 00	75,000 00
Minnesota Central railroad.....	1884	1894	128,000 00		7	Jan. and July.	8,610 00	8,610 00
Milwaukee & Western railroad.....	1881	1891	215,000 00		7	Jan. and July.	14,980 00	14,945 00
Wisconsin Valley railroad.....	1879	1909	1,106,500 00		7	Jan. and July.	77,455 00	77,455 00
Fargo & Southern railway, income.....	1888	1898	200,000 00		6	April and Oct.	12,000 00	11,040 00
Real estate.....	1884	1894	228,000 00		5	Mar. and Sept.	11,250 00	10,940 00
Income sinking fund convertible.....	1886	1916	*1,840,000 00		5	Jan. and July.	94,000 00	96,000 00

*The authorized issue of these bonds is \$5,000,000, of which but \$3,000,000 have been sold.

FUNDED DEBT.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Description of Bonds.	Time.		Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue.	When Due.			Rate per Cent	When Payable.	Amount Ac- rued During Year.	Amount Paid During Year.
Milwaukee & St. Paul railway.....	1868	1898	\$ 4,623,000 00		7	Jan. and July.	\$ 352,745 00	\$ 344,505 00
Iowa & Minnesota division.....	1867	1897	3,198,000 00		7	Jan. and July.	232,960 00	231,900 00
Prairie du Chien division, first mortgage.....	1868	1898	3,674,000 00		8	Feb. and Aug.	268,920 00	266,000 00
Prairie du Chien division, second mortgage.....	1868	1898	1,239,000 00		7.3	Feb. and Aug.	90,353 17	91,140 50
Chicago & Milwaukee division.....	1873	1903	2,868,000 00		7	Jan. and July.	167,510 00	167,650 00
St. Paul (or River) division.....	1872	1902	3,283,000 00		7	Jan. and July.	239,510 00	238,655 00
St. Paul (or River) division, sterling.....	1872	1902	521,500 00		7	Jan. and July.	36,505 00	35,010 00
Iowa & Dakota division.....	1869	1899	541,000 00		7	Jan. and July.	37,570 00	37,530 00
Hastings & Dakota division.....	1872	1902	89,000 00		7	Jan. and July.	6,280 00	6,280 00
Consolidated.....	1875	1905	11,486,000 00		7	Jan. and July.	808,320 00	808,425 09
Terminal.....	1864	1914	4,778,000 00		5	Jan. and July.	238,650 00	237,675 00
Iowa & Dakota division extension.....	1878	1908	3,505,000 00		7	Jan. and July.	245,850 00	245,350 00
Hastings & Dakota division extension.....	1880	1910	5,650,000 00		7	Jan. and July.	367,800 00	368,065 00
Hastings & Dakota division extension.....	1880	1910	990,000 00		5	Jan. and July.	49,500 00	49,475 00
Southwestern division.....	1879	1909	4,000,000 00		6	Jan. and July.	240,000 00	238,320 00
La Crosse & Davenport division.....	1879	1919	2,500,000 00		5	Jan. and July.	125,000 00	124,700 00
Chicago & Pacific division.....	1880	1910	3,000,000 00		6	Jan. and July.	180,000 00	180,370 00

Unable to ascertain the consideration upon which all bonds were originally issued.

FUNDED DEBT—Continued.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Description of Bonds.	Time.		Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue	Wh'n Due			Rate per Cent	When Payable	Amount Accrued During Year.	Amount Paid During Year.
Chicago & Pacific Western division.....	1881	1921	\$25,840,000 00	Unable to ascertain the consideration upon which all bonds were originally issued.	5	Jan. and July.	\$ 1,367,000 00	\$ 1,360,275 00
Southern Minnesota division.....	1880	1910	7,482,000 00		6	Jan. and July.	446,800 00	446,080 00
Mineral Point division.....	1880	1910	2,840,000 00		5	Jan. and July.	142,000 00	142,075 00
Dubuque division.....	1880	1920	6,565,000 00		6	Jan. and July.	366,800 00	366,890 00
Wisconsin Valley division.....	1880	1920	2,391,000 00		6	Jan. and July.	114,800 00	119,910 00
Wisconsin & Minnesota division.....	1881	1921	4,765,000 00		5	Jan. and July.	237,750 00	236,775 00
Chicago & Lake Superior division.....	1881	1921	1,360,000 00		5	Jan. and July.	68,000 00	67,800 00
Chicago & Missouri River division.....	1886	1926	2,008,000 00		5	Jan. and July.	154,150 00	154,400 00
Dakota & Great Southern railway.....	1886	1916	2,866,000 00		5	Jan. and July.	143,300 00	142,500 00
Fargo & Southern railway.....	1888	1924	1,250,000 00		6	Jan. and July.	75,000 00	75,000 00
Minnesota Central railroad.....	1884	1894	123,000 00		7	Jan. and July.	8,610 00	8,610 00
Milwaukee & Western railroad.....	1881	1891	215,000 00		7	Jan. and July.	14,980 00	14,945 00
Wisconsin Valley railroad.....	1879	1909	1,106,500 00		7	Jan. and July.	77,455 00	77,455 00
Fargo & Southern railway, income.....	1886	1886	200,000 00		6	April and Oct.	12,000 00	11,040 00
Real estate.....	1884	1894	235,000 00		5	Mar. and Sept.	11,260 00	10,940 00
Income sinking fund convertible.....	1886	1916	\$1,840,000 00		5	Jan. and July.	94,000 00	96,000 00

*The authorized issue of these bonds is \$5,000,000, of which but \$3,000,000 have been sold.

FUNDED DEBT—Continued.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Description of Bonds.	Time.		Amount Outstanding.	Cash Realized on Amount Issued.	Interest.			
	Date of Issue.	Wh'n Due.			Rate per Cent	When Payable	Amount Accrued During Year.	Amount Paid During Year.
General mortgage	1909	1909	\$12,720,000 00		4	Jan. and July.	\$ 230,000 00	\$ 231,426 36
Real estate (matured and paid) .....	....	....	.....		....	.....	694 44	1,250 00
Grand total .....	....	....	\$128,797,000 00	Unable to ascertain the condition upon which all bonds were originally issued.	....	.....	\$ 7,297,291 61	\$ 7,214,741 90

RECAPITULATION OF FUNDED DEBT.

Class of Debt.	Amount Outstanding.	Interest.	
		Amount Accrued During Year.	Amount Paid During Year.
Mortgage bonds.....	\$ 128,759,000 00	\$ 6,680,657 17	\$ 6,387,596 89
Miscellaneous obligations	4,993,400 00	269,194 44	249,595 00
Income bonds.....	2,046,000 00	106,000 00	107,040 00
Total.....	\$ 135,797,000 00	\$ 7,055,851 61	\$ 7,214,241 89

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.	Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....	\$ 3,495,760 00	Loans and bills payable.....	\$ 3,477,328 44
Due from agents.....	266,954 26	Audited vouchers and accounts	1,213,912 28
Net traffic balances due from other companies.....	818,256 37	Wages and salaries.....	1,572,865 88
Due from solvent companies and individuals.....	1,208,206 25	Dividends not called for.....	80,027 08
Bonds in treasury or due from trustees.....	5,692,000 00	Matured interest coupons unpaid (including coupons due July 1)	3,441,490 66
Stock in treasury.....	4,821 00	Balance—Cash assets.....	2,008,724 65
U. S. government.....	276,371 11		
Total.....	\$ 11,745,248 90	Total	\$ 11,745,248 90

Materials and supplies on hand, \$2,813,223.30.

RECAPITULATION.

MILEAGE OWNED.

Account.	Total Amount Outstanding.	Apportionment.	Amount Per Mile of Road.	
		To Railroads.	Miles.	Amount.
Capital stock.....	\$ 68,226,161 00	\$ 68,226,161 00	5,702.81	\$ 11,964 67
Bonds	129,797,000 00	129,797,000 00	5,702.81	23,762 16
Equipment trust obligations.....	.....	.....	.....	.....
Total	\$ 198,023,161 00	\$ 198,023,161 00	5,702.81	\$ 34,726 83

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS.

Item.	Expenditures During Year.		Total Cost to June 30, 1900.	Total Cost to June 30, 1901.	Cost Per Mile.
	Not Included in Operati'g Expenses				
	Charged to Construction or Equipment.				
Construction—					
Right of way	\$	51,464 84			
Other real estate		194,702 25			
Fences		66,912 42			
Grading and bridge and culvert masonry		34,246 81			
Bridges and trestles		75,413 14			
Rails		287,049 14			
Ballasting, etc.		250,079 96			
Other superstructure		30,164 14			
Buildings, furniture and fixtures		149,588 24			
Shop machinery and tools		70,894 48			
Discount on securities sold for construction		200,000 00			
Sidings and yard extensions		233,227 65			
Road built by contract		264,284 25			
Purchase of constructed road		531,968 00			
Total construction	\$	2,474,087 42			

COST OF ROAD, EQUIPMENT AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures Dur- ing Year.		Total Cost to June 30, 1930.	Total Cost to June 30, 1931.	Cost Per Mile.	
	Not Included in Operating Expenses					
	Charged to Construction or Equipment.					
Equipment—						
Locomotives	\$	284,855 58				
Passenger cars		16,458 94				
Sleeping, parlor and dining cars		74,803 89				
Baggage, express and postal cars		10,900 94				
Freight cars		1,123,709 02				
Other cars of all classes		3,516 65				
Total equipment	\$	1,519,859 12				
Grand total cost construction, equipment, etc	\$	3,903,430 54	\$	189,694,727 91	\$	33,254 02
*Total cost construction, equipment, etc., North Dakota	\$	82,204 59	\$	3,903,269 89	\$	33,254 02

*Proportional on basis of miles of road.

INCOME ACCOUNT.

[For roads making operating reports.]

Gross earnings from operation.....	\$ 27,629,794 18	
Less operating expenses.....	17,634,168 23	
Income from operation.....		\$ 9,995,626 95
Dividends on stocks owned.....	\$ 301,392 14	
Interest on bonds owned.....	30,117 29	
Miscellaneous income.....	84,915 30	
Income from other sources.....		416,424 73
Total income.....		\$ 10,412,055 68
Deductions from income—		
Interest on funded debt accrued.....	\$ 7,287,251 61	
Interest on interest-bearing current liabilities accrued, not otherwise provided for.....	84,217 33	
Taxes—North Dakota, \$1,976.21.....	887,906 53	
Total deductions from income.....		8,179,375 47
Net income.....		\$ 2,232,680 21
Dividends, 3½ per cent. preferred stock...\$21,889,900 00	\$ 764,396 50	
Dividends, preferred stock..... 21,985,900 00	767,756 50	
Total.....		1,532,153 00
Surplus from operations of year ending June 30, 1891...		\$ 700,527 21
Surplus on June 30, 1890, [from "General Balance Sheet," 1890 report].....		2,419,514 55
		\$ 3,120,041 76
Additions for year.....	\$ 2,000 00	
Deductions for year.....	27,189 10	25,189 10
Surplus on June 30, 1891.....		\$ 3,094,852 66

EARNINGS FROM OPERATION—STATE OF NORTH DAKOTA.

Item.	Total Receipts.	Actual Earnings.
Total passenger revenue		\$ 19,096 64
Mail	\$ 7,379 52	
Express	12,182 48	
Extra baggage and storage	575 00	
Other items, news service	157 56	20,244 65
Total passenger earnings		\$ 39,041 29
Total freight revenue		\$ 30,629 96
Total freight earnings		\$ 30,629 96
Total passenger and freight earnings		\$ 70,571 25
Telegraph companies	401 21	
Rents not otherwise provided for	320 00	
Total other earnings		\$ 721 21
Total gross earnings from operation—North Dakota		\$ 71,292 46
Total gross earnings from operation—Entire line		\$ 27,629,794 18

STOCKS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Kansas City Belt Railway company.....	\$ 20,000 00	..	.....	\$ 20,263 35
Minnesota Transfer Railway company.....	7,000 00	..	.....	7,000 00
Minneapolis Eastern Railway company.....	15,000 00	..	.....	15,000 00
St. Paul Warehouse & Elevator company.....	19,250 00	..	.....	19,250 00
St. Paul Union Depot company.....	70,000 00	6	\$ 4,200 00	70,000 00
Merrill Boom company.....	88,000 00	7	6,160 00	88,000 00
Tomahawk Land & Boom company.....	69,900 00	..	.....	69,900 00
Council Bluffs Union Elevator company.....	46,700 00	6	1,401 00	46,606 67
Milwaukee Land company.....	100,000 00	80	80,000 00	100,000 00
Braceville Coal company.....	100,000 00	5	5,000 00	100,000 00
Excelsior Coal company.....	150,000 00	5	7,500 00	150,000 00
Milwaukee Industrial Exposition.....	10,000 00	..	.....	100 00
Minneapolis & St. Louis Railway company....	2,000 00	..	.....	200 00
Minneapolis Industrial Exposition.....	2,500 00	..	.....	100 00
World's Columbian Exposition.....	20,000 00	..	.....	20,000 00
Chicago Union Transfer Railway company...	20,000 00	..	495 14	20,000 00
Lisbon, Necedah & Lake Superior Railway Co	16,000 00	..	.....	16,000 00
Elgin, Joliet & Eastern Railway company.....	400,000 00	..	.....	4,000 00
Milwaukee & Northern Railroad company....	6,157,850 00	4	246,344 00	6,067,950 00
Total	\$ 7,368,200 00	..	\$ 326,333 14	\$6,808,620 02

BONDS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Oshkosh & Mississippi River Railway Co	\$ 218,000 00	8	\$ 17,040 00	\$ 218,000 00
Oshkosh & Mississippi River Railway Co	1,800 00	8	9 32	1,000 00
Kansas City Belt Railway Co.....	82,000 00	6	4,920 00	82,000 00
Kansas City Belt Railway Co.....	4,800 00	6	120 00	4,000 00
Minnesota Transfer Railway Co.....	109,000 00	5	5,450 00	109,800 00
Minnesota Transfer Railway Co.....	1,800 00	5	28 00	1,900 00
Minneapolis Eastern Railway Co.....	75,000 00	7	.....	60,000 00
City of Ottumwa, Iowa.....	30,000 00	4	1,200 00	30,800 00
Town of Canton, Minnesota.....	2,500 00	7	287 36	2,500 00
Clear Lake Park association	3,800 00	7	.....	3,000 00
St. Paul chamber of commerce.....	440 00	7	85 00	440 00
Village of Plandrau, South Dakota.....	10,080 00	8	.....	100 00
Town of Ortonville, Minnesota.....	8,800 00	6	345 00	2,500 00
Town of Graceville, Minnesota.....	5,000 00	6	300 00	2,500 00
Town of Tarah, Minnesota.....	1,000 00	6	50 61	350 80
St. Paul chamber of commerce certificate.....	100 00	7	.....	100 00
City of New Lisbon, Wisconsin	3,800 00	6	180 00	3,800 00
Milwaukee & Northern Railroad Co.....	250 00	6	.....	250 00
Bonds redeemed—				
St. Paul Warehouse & Elevator Co..\$5,000 00	.....	..	175 00	.....
Total	\$ 548,790 00	..	\$ 30,117 29	\$ 514,040 00

RENTALS RECEIVED:

RENTS RECEIVED FROM LEASE OF TRACKS, YARDS AND TERMINALS.

Designation of Property.	Situation of Property Leased.	Name of Company Using Property Leased.	Rate.	Item.	Total.
Tracks and Yards.	Between Rugby Jc. and Milwaukee.	Wisconsin Central railway.....	\$ per cent. on value.....	\$ 23,276 22	
Warehouse	Milwaukee	Wisconsin Central railway.....	6 per cent. on value.....	3,822 00	
Passenger sta. etc.	Milwaukee	Wisconsin Central railway.....	1 st per cent. on value.....	9,000 00	
Tracks.....	Milwaukee.....	Wisconsin Central railway.....	Annual rent	1,420 54	
Scales.....	Milwaukee.....	Wisconsin Central railway.....	Annual rent	200 00	\$ 37,718 76
Tracks & Termin'ls	Bet. Schwartzburg and Milwaukee...	Mil. & Nor. railroad.....	Pro. of earnings.....	.....	27,027 94
Tracks	Council Bluffs	Omaha & St. Louis railway.....	\$100 00 per month .....	.....	1,200 00
Tracks	Clinton	Chicago, Bur. & Quincy railroad.....	\$5 00 per month .....	.....	420 00
Tracks	Winona	Chicago, Bur. & Nor. railway.....	11 10 per month .....	.....	133 20
Tracks	Cedar Rapids.....	Illinois Central railroad.....	22 50 per month .....	.....	337 50
Tracks	Baytown.....	Chicago, St. P., M. & O. railway	5 per cent. on cost .....	.....	101 77
Tracks	Council Bluffs.....	K. C., St. J. & C. B. railway	6 per cent. on value.....	.....	169 36
Tracks & Termin'ls	Ottumwa	Wabash railroad.....	6 per cent. on value.....	.....	4,105 20
Tracks & Termin'ls	Sioux City.....	Soo City & Nor. railroad.....	Interest on value.....	.....	6,213 94
Tracks & Termin'ls	Eau Claire.....	Wisconsin Central railway.....	\$294 25 per month.....	.....	2,648 25
Total .....				.....	\$ 80,076 92

Net miscellaneous income, (Land Department) \$84,915.30.

OPERATING EXPENSES.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Maintenance of way and structures—			
Repairs of roadway	\$ 522,128 26	\$ 859,356 13	\$ 1,381,484 39
Renewals of rails.....	171,862 07	285,804 95	457,667 02
Renewals of ties.....	312,945 06	520,244 77	833,189 83
Repairs of bridges and culverts.....	257,688 77	425,041 78	682,690 55
Repairs of fences, road-crossings, signs and cattle guards.....	64,145 40	106,619 78	170,765 18
Repairs of buildings.....	81,988 86	120,682 84	212,671 70
Repairs of telegraph.....	9,615 79	15,918 82	25,534 61
Total	\$ 1,420,314 21	\$ 2,343,669 07	\$ 3,763,983 28
Maintenance of equipment—			
Repairs and renewals of locomotives	\$ 367,679 21	\$ 809,443 05	\$ 1,177,122 26
Repairs and renewals of passenger cars	452,647 12	.....	452,647 12
Repairs and renewals of freight cars .....	.....	1,077,898 47	1,077,898 47
Shop machinery, tools, etc.....	28,797 18	62,081 84	90,879 02
Other expenses .....	.....	.....	.....
Total	\$ 849,123 51	\$ 1,949,423 36	\$ 2,798,546 87
Conducting transportation—			
Wages of enginemen, firemen and roundhouse- men.....	\$ 573,333 26	\$ 1,266,076 25	\$ 1,839,459 51
Fuel for locomotives.....	633,765 43	1,406,585 49	2,040,290 97
Water-supply for locomotives	20,942 79	46,027 61	66,970 40
All other supplies for locomotives.....	23,462 55	51,888 72	75,351 27
Wages of other trainmen.....	521,463 84	953,475 29	1,474,939 13
All other train supplies	80,227 12	122,290 25	202,507 37
Wages of switchmen, flagmen and watchmen.	157,728 01	570,388 38	728,106 39
Expense of telegraph, including train dispatch- ers and operators	187,661 48	304,060 30	491,711 78
Wages of station agents, clerks and laborers..	274,738 41	1,089,859 89	1,314,598 30
Station supplies.....	69,053 21	83,320 42	152,373 63
Switching charges—balance .....	.....	194,929 02	194,929 02
Car mileage—balance.....	.....	287,607 52	287,607 52
Loss and damage.....	28,335 90	140,712 51	164,048 50
Injuries to persons.....	83,408 59	129,326 79	217,735 38

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Conducting transportation—			
Other expenses	\$ 11,491 80	\$ 38,696 06	\$ 50,187 86
Total	\$ 2,665,639 53	6,635,619 50	9,301,259 03
General expenses—			
Salaries of officers.....	112,646 30	183,180 95	295,827 25
Salaries of clerks.....	96,712 95	179,073 13	375,786 08
General office expenses and supplies	12,451 70	20,943 71	33,395 41
Agencies, including salaries and rent	100,530 04	123,410 00	223,940 04
Advertising.....	41,258 33	1,021 07	42,279 40
Commissions.....	45,498 77	.....	45,498 77
Insurance.....	21,598 14	35,930 25	57,528 39
Expense of fast freight lines .....	.....	2,979 76	2,979 76
Expense of traffic associations	4,666 26	51,360 98	56,027 24
Expense of stock yards and elevators .....	.....	57,197 57	57,197 57
Rents for tracks, yards and terminals.....	136,736 20	86,237 55	222,973 75
Rents not otherwise provided for	37,354 20	53,925 57	91,279 77
Legal expenses	30,416 95	46,023 51	76,440 46
Stationery and printing	69,608 48	95,587 50	165,196 98
Other general expenses.....	45,104 14	70,946 04	116,050 18
Total	\$ 757,564 46	\$ 1,012,309 59	\$ 1,770,874 05
Recapitulation of expenses—			
Maintenance of way and structures.....	1,420,314 21	2,343,999 07	3,764,313 28
Maintenance of equipment ..	849,123 51	1,949,433 36	2,798,556 87
Conducting transportation.....	2,665,639 53	6,635,619 50	9,301,259 03
General expenses	757,564 46	1,012,309 59	1,770,874 05
Grand Total	\$ 5,692,641 71	\$ 11,941,321 53	\$ 17,634,963 23
Percentage of expenses to earnings—entire line.....	.....	.....	68.82 per cent.
Operating expenses—State of North Da- kota—			
Maintenance of way and structures.....	4,166 37	8,740 61	12,906 98
Maintenance of equipment.....	3,008 43	6,500 16	9,508 59
Conducting transportation.....	10,208 79	21,805 78	31,994 57

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Operating expenses—State of North Dakota—			
General expenses	\$ 1,980 19	4,112 26	6,072 45
Total	\$ 19,523 78	\$ 40,958 81	\$ 60,482 49
Percentage of expenses to earnings—North Dakota.....	.....	.....	84.84 per cent.

AMOUNT PAID FOR USE OF TRACKS, YARDS AND TERMINALS.

Designation of Property.	Situation of Property.	Name of Company Owning Property	Rate.	Item.	Total.
Tracks.....	Milwaukee.....	Chicago & N. W. railway.....	\$450 per annum	\$ 450 00	
Tracks... ..	Council Bluffs	Chicago, B. & Q. railroad.....	6 per cent. on value	188 40	
Tracks and Terminals.	Bet. Pt. Byrou Jc. and Rock Island	Chicago, R. I. & P. railway.....	\$15,000 per annum	15,000 00	
Tracks.....	Chicago	Chicago, St. L. & P. railway	Pro maintenance.....	26,451 50	
Tracks and Terminals.	Bet. Davis Jc. and Rockford	Chicago & Iowa railway	Pro maintenance.....	26,101 87	
Tracks.....	Council Bluffs.....	K. C., St. J. & C. B. railroad	6 per cent. on value	420 00	
Tracks.....	Dubuque	Illinois Central Railroad	\$2,400 per annum.....	2,400 00	
Tracks and Terminals.	Coburg and Kansas City.....	Kansas City Belt railway.....	8 per cent. on value	42,808 67	
			Pro maintenance.....	9,287 20	\$ 124,062 64
Passenger depot	Chicago	Pennsylvania company.....	1 ⁴ per cent. on value	\$ 16,049 20	
			Pro maintenance	39,176 80	
Passenger depot	St. Paul.....	St. Paul Union Depot company..	Pro maintenance.....	31,565 41	
Passenger transfer....	Council Bluffs	Union Pacific railway.....	\$4,400 per annum.....	4,400 00	
Freight transfer	Council Bluffs	Union Pacific railway.....	9,750 per annum.....	9,750 00	100,941 11
		Total.....			\$ 234,973 75

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1900.		Assets.	June 30, 1901.		Year Ending June 30, 1901.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 195,681,901 87		Cost of road and equipment.....	.....	\$ 189,624,727 91	\$ 3,906,426 54	
711,690 02		Stocks of other companies owned ....	.....	6,800,320 02	6,097,650 00	
502,450 00		Bonds of other companies owned....	.....	514,640 00	6,100 00	
12,233 04		Other permanent investments—Real estate .....	.....	12,270 70	12 66	
716,935 87		Cash and current assets... ..	.....	2,009,724 65	1,292,988 78	
		Other assets:				
		Material and supplies .....	.....	2,312,323 30	.....	\$ 94,146 26
2,407,969 56						
\$ 189,688,994 86		Grand total .. ..	.....	\$ 201,284,916 93	\$ 11,595,927 96	\$ 94,146 26

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
	\$ 61,702,891 00	Capital stock .....	.....	\$ 68,226,161 00	\$ 6,517,269 00	
	123,608,000 00	Funded debt.....	.....	120,797,000 00	4,104,000 00	
	167,519 31	Accrued interest on funded debt, not yet payable .....	.....	166,902 92	.....	\$ 616 39
	2,419,514 55	Profit and loss .....	.....	2,094,893 66	676,398 11	
.....	\$ 186,838,894 86	Grand total.....	.....	\$ 201,284,916 58	\$ 11,296,683 11	\$ 616 39

IMPORTANT CHANGES DURING THE YEAR—ENTIRE LINE

EXTENSIONS OF ROAD.

Babcock to Pittsville.....	10.06	
Pittsville Junction to Vesper.....	8.42	
Dexterville to Lynn.....	23.45	
Necedah to Babcock.....	18.94	
Lynn Northwest.....	2.45	
In City of Fond du Lac.....	2.62	64.93
<hr/>		
Decrease in mileage by line abandoned or line straightened:		
At Necedah .....	.28	
At Babcock.....	.08	.26
<hr/>		
Total.....		64.57 miles.

INCREASE IN CAPITAL STOCK.

3,500 shares preferred, issued in exchange for bonds.....	\$	350,000 00
61,583 shares common, issued for exchange or purchase of stock of the Milwaukee & Northern Railroad company.....		6,158,300 00
<hr/>		
Total.....	\$	6,512,300 00

INCREASE IN FUNDED DEBT.

For expenditures for equipment and permanent improvements to June 30, 1891.....		4,400,000 00
Less bonds received in exchange for preferred stock		350,000 00
<hr/>		
Total.....	\$	4,104,000 00

(It is impossible to give the information required as applicable to any one state.)

CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSI- NESS WITHIN STATE OF NORTH DAKOTA.

EXPRESS COMPANIES.

The American and the Adams Express companies occupy the lines of this company, doing a general express business. Rates are various and are governed by the business done and the facilities furnished.

MAILS.

Compensation for mail service is not permanently fixed. Service is ordered subject to the rules and regulations of the postoffice department, and the amount paid is based upon the weight of the mail transported over each route.

SLEEPING, PARLOR OR DINING CAR COMPANIES.

Sleeping cars are owned and run by the Chicago, Milwaukee & St. Paul Railway company. Rates are from \$1.50 to \$3.00, according to distance traveled.

Parlor cars are owned and run by the Chicago, Milwaukee & St. Paul Railway company. Rates are from 25 cents to \$1.00, according to distance traveled.

Dining cars are owned and run by the Chicago, Milwaukee & St. Paul Railway company. Charge per meal, 75 cents.

TRANSPORTATION COMPANIES.

The cars of all transportation companies are allowed to run over the lines of this company paying regular rates and receiving mileage.

SECURITY FOR FUNDED DEBT.

Name of Bond.	Lien	Line (or Property) Mortgaged.		Miles.	Outstanding.
		From—	To—		
Milwaukee & St. Paul railway	1st.	Milwaukee	La Crosse	107.70	
Milwaukee & St. Paul railway	1st.	Watertown	Madison	87.00	
Milwaukee & St. Paul railway	1st.	Horicon	Berlin and Winneconne	58.00	
Milwaukee & St. Paul railway	1st.	Milwaukee	Portage via Horicon	95.00	\$ 4,622,000 00
Iowa & Minnesota division	1st.	McGregor	St. Paul and Minneapolis	220.00	2,108,000 00
Prairie du Chien division	1st.	Milwaukee	Prairie du Chien	104.00	2,674,000 00
Prairie du Chien division, 7½ per cent.	2d.	Milwaukee	Prairie du Chien .....	.....	1,280,000 00
Chicago & Milwaukee division	1st.	Chicago	Milwaukee	83.20	2,308,000 00
St. Paul (or River) division	1st.	La Crosse	St. Paul	128 10	2,504,500 00
Iowa & Dakota division	1st.	Calmar	Algona	128.00	541,000 00
Hastings & Dakota division	1st.	Hastings	Glencoe	74.20	86,000 00
Consolidated	2d.	On above described lines.			
Consolidated	1st.	La Crosse bge. and approach's		1.70	
Consolidated	1st.	Milton	Monroe	42.00	
Consolidated	1st.	Austin	Mason City	40.00	
Consolidated	1st.	Conover	Decorah	10.00	
Consolidated	1st.	Sabula	Marion	87.00	11,486,000 00
Terminal ..	1st.	Real estate and improvements	in Chicago and Milwaukee ..	.....	4,778,000 00
Iowa & Dakota division extension	1st.	Algona	Chamberlain	278.90	

1st.	Iowa & Dakota vision extension	Marion Junction	Running Water.....	62.00	\$	2,505,000.00
1st.	Hastings & Dakota division extension.....	Glencoe.....	Roscoe	275.00		
1st.	Hastings & Dakota division extension.....	Roscoe.....	Eureka	26.85		
1st.	Hastings & Dakota division extension.....	Aberdeen.....	Edgeley.....	64.15		
1st.	Hastings & Dakota division extension.....	Milbank Junction.....	Siseton	33.00		6,673,000.00
1st.	Southwestern division	Racine.....	Port Byron Junction	199.00		
1st.	Southwestern division	Eagle.....	Elkhorn	17.00		4,000,000.00
1st.	La Crosse & Davenport division	Davenport	Jackson Junction.....	150.50		
1st.	La Crosse & Davenport division	Eldridge Junction.....	Maquoketa	32.19		2,500,000.00
1st.	Chicago & Pacific division	Chicago	Kittredge	116.60		
2d.	Chicago & Pacific division	Kittredge	Savanna	21.50		
1st.	Chicago & Pacific division	Sabula bldg. and approaches.....	.....	3.54		3,000,000.00
1st.	Chicago & Pacific Western division.....	Cedar Rapids.....	Kansas City	209.84		
1st.	Chicago & Pacific Western division.....	Marion	Council Bluffs.....	231.70		
1st.	Chicago & Pacific Western division.....	Sioux City	Manilla.....	90.10		
1st.	Chicago & Pacific Western division.....	Eagan	Woonsocket	32.76		
1st.	Chicago & Pacific Western division.....	Sioux City	Aberdeen	202.60		
1st.	Chicago & Pacific Western division.....	Elk Point.....	Sioux Falls.....	70.00		
1st.	Chicago & Pacific Western division.....	Eden.....	Rock Valley.....	9.00		
1st.	Chicago & Pacific Western division.....	Farley	Cedar Rapids.....	47.00		25,940,000.00
1st.	Southern Minnesota division.....	La Cresent.....	Sioux Falls.....	346.50		
1st.	Southern Minnesota division.....	Wells.....	Mankato.....	33.10		
1st.	Southern Minnesota division.....	Minneapolis	Benton Junction	28.36		7,423,000.00
1st.	Mineral Point division.....	Warren	Mineral Point.....	33.00		
1st.	Mineral Point division.....	Calamine	Plattville	13.00		

SECURITY FOR FUNDED DEBT—Continued.

Name of Bond.	Lien	Line (or Property) Mortgaged.		Miles.	Outstanding.
		From—	To—		
Mineral Point division.....	1st.	Monroe	Shullsburg.....	34.00	
Mineral Point division.....	1st.	Lone Rock.....	Richland Center.....	16.00	
Mineral Point division.....	1st.	Viroqua ..	Sparta	32.00	\$ 2,840,000 00
Dubuque division.....	1st.	La Crescent	Clinton	178.00	
Dubuque division.....	1st.	Caledonia Junction.....	Preston	57.50	
Dubuque division.....	1st.	Waukon Junction.....	Waukon	22.80	
Dubuque division.....	1st.	Turkey River Junction.....	West Union	57.20	
Dubuque division.....	1st.	Bellevue	Cascade.....	35.50	6,565,000 00
Wisconsin Valley division.....	2d.	Tomah.....	Merrill	107.00	
Wisconsin Valley division.....	1st.	Merrill	Minocqua.....	54.50	2,891,000 00
Wisconsin & Minnesota division.....	1st.	Wabasha	Zumbrota	60.00	
Wisconsin & Minnesota division.....	1st.	Hastings.....	Sullwater... ..	25.50	
Wisconsin & Minnesota division.....	1st.	Northfield	Red Wing.....	32.50	
Wisconsin & Minnesota division.....	1st.	Wabasha	Chippewa Falls.....	65.00	
Wisconsin & Minnesota division.....	1st.	Red Cedar Junction.....	Cedar Falls.....	21.00	
Wisconsin & Minnesota division.....	1st.	Minneapolis	St. Paul and Short Line Bdge	10.00	
Wisconsin & Minnesota division.....	1st.	Read's Landing Bridge.....	.....	.....	4,755,000 00
Chicago & Lake Superior division	1st.	Janesville	Beloit.....	14.00	
Chicago & Lake Superior division.....	1st.	Rockton	Rockford	15.00	

Chicago & Lake Superior division.....	1st.	Madison	Portage.....	89.00	\$	1,840,000 00
Chicago & Missouri River division.....	1st.	Trupp	Armour.....	20.40		
Chicago & Missouri River division.....	1st.	Roscoe	Bowdle.....	15.50		
Chicago & Missouri River division.....	1st.	Roscoe	Orient	41.10		8,083,000 00
Dakota & Great Southern railway.....	1st.	Madison	Bristol.....	102.70		
Dakota & Great Southern railway.....	1st.	Andover	Harlem	56.00		2,856,000 00
Fargo & Southern railway	1st.	Ortonville.....	Fargo	117.00		1,260,000 00
Minnesota Central railroad.....	1st.	McGregor	St. Paul and Minneapolis			128,000 00
Milwaukee & Western railroad.....	1st.	Milwaukee.....	Watertown			215,000 00
Wisconsin Valley railroad.....	1st.	Tonah	Merrill			1,106,500 00
Fargo & Southern railway income.....	....	Not secured by mortgage				200,000 00
Real estate.....	1st.	Property in Chicago				225,000 00
Income sinking fund, convertible.....	....	Not secured by mortgage				1,840,000 00
General mortgage.....	....	Authorized issue \$150,000,000—covering all property of the company				
General mortgage.....	....	For refunding above mentioned debt, and for extension and improvement of road.....				12,720,000 00
Total					\$	129,797,000 00

EMPLOYES AND SALARIES—STATE OF NORTH DAKOTA.

Class.	Number.	Total Number of Days Worked.	Total Yearly Compensation.	Average Daily Compensation.
General officers.....	1	313	\$ 4,770 12	\$ 15 24
General office clerks	8	2,504	5,334 32	2 33
Station Agents	17	5,321	12,131 88	2 28
Other station men	21	6,573	12,685 89	1 98
Enginemen.....	18	5,634	20,451 42	3 63
Firemen.....	18	5,634	12,732 84	2 26
Conductors.....	14	4,382	14,022 40	3 20
Other trainmen.....	28	8,764	11,568 96	1 89
Machinists	9	2,817	7,684 07	2 71
Carpenters	18	5,634	13,408 92	2 38
Other shopmen.....	47	14,711	17,215 85	1 85
Section foremen	26	8,138	14,992 54	1 83
Other trackmen.....	71	22,223	28,667 67	1 29
Switchmen, flagmen and watchmen	24	7,512	15,524 48	2 04
Telegraph operators and dispatchers.....	16	5,006	10,566 88	2 11
All other employes and laborers	73	22,849	39,071 79	1 71
Total (incl. "Gen. Officers") North Dakota...	409	128,017	\$ 245,974 53	\$ 2 01
Less "General Officers,"	1	313	4,770 12	15 24
Total (exclud. "Gen. Officers") North Dakota	408	127,704	\$ 241,204 41	\$ 1 96
Distribution of above—				
General administration	13	4,069	7,821 99	3 86
Maintenance of way and structures	151	47,263	90,813 80	1 37
Maintenance of equipment.....	78	24,414	46,907 34	2 29
Conducting transportation.....	167	52,271	100,491 40	2 31
Total (incl. "Gen. Officers") North Dakota...	409	128,017	\$ 245,974 53	\$ 2 01
Less "General Officers,"	1	313	4,770 12	15 24
Total (exclud. "Gen. Officers") North Dakota	408	127,704	\$ 241,204 41	\$ 1 96
Total (including " Gen. Officers") Entire Line	19,854	6,214,302	\$ 12,463,362 94	\$ 2 01

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic—		
Number of passengers carried earning revenue.....	180,085	
Number of passengers carried one mile.....	5,408,558	
Average distance carried.....	3,815	
Total passenger revenue.....		\$ 180,259.82
Average amount received from each passenger.....		.79847
Average receipts per passenger per mile.....		.02408
Estimated cost of carrying each passenger one mile...		.02168
Total passenger earnings.....		189,686.84
Passenger earnings per mile of road.....		1,444.54
Passenger earning per train mile.....		1.09751
Freight traffic—		
Number of tons carried of freight earning revenue....	214,178	
Number of tons carried one mile.....	88,060,088	
Average distance haul of one ton.....	18,282	
Total freight revenue.....		391,650.48
Average amount received for each ton of freight.....		1.82861
Average receipts per ton per mile.....		.01008
Estimated cost of carrying one ton one mile.....		.00630
Total freight earnings.....		395,842.76
Freight earnings per mile of road.....		3,369.80
Freight earnings per train mile.....		1.58972
Passenger and Freight—		
Passenger and freight revenue.....		521,909.79
Passenger and freight revenue per mile of road.....		4,448.01
Passenger and freight earnings.....		585,529.60
Passenger and freight earnings per mile of road.....		4,814.34
Gross earnings from operation.....		599,178.86
Gross earnings from operation per mile of road.....		4,845.37
Expenses.....		368,268.76
Expenses per mile of road.....		3,092.46

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train mileage—		
Miles run by passenger trains.....	149,499	
Miles run by freight trains.....	244,452	
Miles run by mixed trains	16,846	
Total mileage of trains earning revenue	410,797	
Miles run by switching trains.....	102,578	
Miles run by construction and other trains.....	17,164	
Grand total train mileage	530,534	
Mileage of loaded freight cars—North or east	2,078,423	
Mileage of loaded freight cars—South or west	1,855,639	
Mileage of empty freight cars—North or east.....	619,900	
Mileage of empty freight cars—South or west.....	853,159	
Average number of freight cars in train	21.08	
Average number of loaded cars in train.....	15.80	
Average number of empty cars in train.....	5.78	
Average number of tons of freight in train.....	151.60	
Average number of tons of freight in each loaded car...	9.93	

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE.

Item.	Column for Tonnage Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger Traffic:		
Number of passengers carried earning revenue	7,919,329	
Number of passengers carried one mile	262,551,000	
Average distance carried	33.15	
Total passenger revenue		\$ 6,323,307.82
Average amount received from each passenger .....		.79847
Average receipts per passenger per mile .....		.02408
Estimated cost of carrying each passenger one mile...		.02168
Total passenger earnings		8,287,325.88
Passenger earnings per mile of road		1,444.54
Passenger earnings per train-mile		1.00751
Freight Traffic:		
Number of tons carried of freight earning revenue	10,397,085	
Number of tons carried one mile	1,896,685,111	
Average distance haul of one ton	182.83	
Total freight revenue		19,012,150.12
Average amount received for each ton of freight.		1.82861
Average receipts per ton per mile .....		.01008
Estimated cost of carrying one ton one mile .....		.00680
Total freight earnings		19,215,667.88
Freight earnings per mile of road		3,369.80
Freight earnings per train mile		1.58972
Passenger and Freight:		
Passenger and freight revenue		25,335,458.94
Passenger and freight revenue per mile of road		4,443.01
Passenger and freight earnings		27,452,998.26
Passenger and freight earnings per mile of road		4,814.84
Gross earnings from operation.		27,629,704.18
Gross earnings from operation per mile of road		4,845.87
Expenses		17,684,163.28
Expenses per mile of road		3,092.46

**PASSENGER AND FREIGHT, AND TRAIN MILEAGE—
ENTIRE LINE—Continued.**

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train Mileage :		
Miles run by passenger trains	7,300,982	
Miles run by freight trains	11,866,697	
Miles run by mixed trains	817,748	
Total mileage trains earning revenue	19,985,317	
Miles run by switching trains	4,979,318	
Miles run by construction and other trains	883,227	
Grand total train mileage	25,797,862	
Mileage of loaded freight cars—North or east	100,894,302	
Mileage of loaded freight cars—South or west	90,079,568	
Mileage of empty freight cars—North or east	80,066,485	
Mileage of empty freight cars—South or west	41,415,489	
Average number of freight cars in train	21.08	
Average number of loaded cars in train	15.30	
Average number of empty cars in train	5.78	
Average number of tons of freight in train	151.89	
Average number of tons of freight in each loaded car ..	9.93	

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA—PROPORTIONAL.

[Company's Material Excluded.]

Commodity.	Freight Orig- inating on this Road. Whole Tons.	Freight Rec'd from Connect- ing Roads and Other Carriers Whole Tons	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Products of Agriculture—				
Grain	35,882	7,866	43,698	20.40
Flour.....	7,044	1,546	8,590	4.01
Other mill products.....	1,546	389	1,935	.88
Hay.....	1,868	402	2,284	1.04
Tobacco	252	77	429	.20
Fruit and vegetables.....	1,414	310	1,724	.81
Products of Animals—				
Live stock.....	11,396	2,501	13,896	6.49
Dressed meats	490	108	598	.28
Other packing house products	3,280	720	4,000	1.87
Butter and cheese	947	208	1,155	.54
Products of Mines—				
Anthracite coal	5,618	1,282	6,845	3.20
Bituminous coal.....	12,718	2,791	15,504	7.24
Coke.....	957	210	1,167	.54
Ores	902	198	1,100	.51
Stone, sand and other like articles.....	7,688	1,677	9,315	4.35
Salt.....	1,065	284	1,229	.61
Products of Forest—				
Lumber.....	26,406	5,796	32,202	15.04
Other.....	4,419	970	5,389	2.51
Manufactures—				
Iron, pig and bloom.....	2,443	586	2,979	1.39
Iron and steel rails	591	180	721	.34
Other castings and machinery.....	670	147	817	.38
Bar and sheet metal.....	236	52	288	.13
Cement, brick and lime.....	3,780	890	4,610	2.15
Agricultural implements.....	4,228	928	5,156	2.41
Wagons, carriages, tools, etc.....	1,563	343	1,906	.89
Wines, liquors and beers.....	4,240	981	5,171	2.41

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA—PROPORTIONAL—*Continued.*

[Company's material excluded.]

Commodity.	Freight Orig- inating on this Road. Whole Tons.	Freight Rec'd from Connect'g Roads and Other Carriers Whole Tons.	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Merchandise.....	13,889	3,049	16,938	7.91
Ice.....	6,574	1,443	8,017	3.74
Miscellaneous—Other commodities not mentioned above.....	13,567	2,978	16,545	7.73
Total tonnage—North Dakota....	175,626	38,533	214,178	100.00
Total tonnage, entire line	8,525,568	1,871,467	10,397,035	100.00

DESCRIPTION OF EQUIPMENT.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Locomotives—						
Passenger	7	266	266	Westinghouse		
Freight.....	15	450	145	Westinghouse		
Switching	3	85	27	Westinghouse		
Total locomotives...	25	801	438			
Cars in passenger service—						
First-class passenger cars	3	320	320	Westinghouse	320	Janney and Miller.
Second-class passenger cars .....	.....	32	32	Westinghouse	32	Janney and Miller.
Dining cars.....	1	9	9	Westinghouse	8	Cowell, 6 Miller.
Parlor cars	3	12	12	Westinghouse	3	Cowell, 9 Miller.
Sleeping cars.....	3	57	57	Westinghouse	6	Cowell, 40 Miller & 11 Janney
Baggage, express and postal cars.....	1	246	239	Westinghouse	223	Miller.
Other cars in passenger service.....	.....	2	2	Westinghouse	2	Miller.
Total	9	678	671		655	
Cars in freight service—						
Box cars.....	1,911	16,625	1,969	Westinghouse	3,135	Janney and Gould.
Flat cars.....	76	4,177	.....	.....	153	Janney and Gould.
Stock cars	150	2,340	.....	.....	5	Janney and Gould.

DESCRIPTION OF EQUIPMENT—Continued.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Refrigerator cars.....	41	509	152	Westinghouse	320	Janney and Gould.
Other cars.....	191	191	.....	.....
Total.....	1,990	23,842	2,121	Westinghouse	3,613	Janney and Gould.
Cars in company's service—						
Gravel cars.....	150	150	.....	.....	150	Janney.
Derrick cars.....	.....	10	1	Westinghouse		
Caboose cars.....	8	443	2	Westinghouse		
Other road cars.....	3	51	1	Westinghouse		
Total.....	189	653	4	Westinghouse	150	Janney.
Cars contributed to fast freight line service.....	12	822	150	Westinghouse		
Total cars owned.....	2,006	28,995	2,946	Westinghouse	4,419	

MILEAGE.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed and Purchased During Year.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....	5,702.31	.....	19.00	29.00	5,750.49	64.57	1,501.40	4,249.09
Miles of second track.....	84.60	.....	.....	15.72	100.41	36.53	.....	100.41
Miles of third track.....	8.25	.....	.....	.....	8.25	.....	.....	8.25
Miles of connecting track.....	25.04	.....	.....	.....	25.04	.04	.....	25.04
Miles of yard track and sidings.....	1,169.78	.....	.....	.....	1,169.78	46.72	877.29	292.49
Total mileage operated (all tracks).....	6,993.97	.....	19.00	44.81	7,048.97	147.78	2,378.69	4,670.28

DESCRIPTION OF EQUIPMENT—Continued.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Refrigerator cars.....	41	509	182	Westinghouse	320	Janney and Gould.
Other cars.....	191	191	.....	.....
Total.....	1,960	23,843	2,191	Westinghouse	3,813	Janney and Gould.
Cars in company's service—						
Gravel cars.....	150	150	.....	.....	150	Janney.
Derrick cars.....	.....	10	1	Westinghouse		
Caboose cars...	8	443	2	Westinghouse		
Other road cars.....	3	51	1	Westinghouse		
Total.....	189	653	4	Westinghouse	150	Janney.
Cars contributed to fast freight line service.....	12	823	150	Westinghouse		
Total cars owned.....	2,006	25,936	2,946	Westinghouse	4,413	

MILEAGE.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed and Purchased During Year.	Rails.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....	5,702.81	.....	19.09	29.09	5,750.49	64.57	1,501.40	4,249.09
Miles of second track.....	84.69	.....	.....	15.72	100.41	36.53	.....	100.41
Miles of third track.....	8.25	.....	.....	.....	8.25	.....	.....	8.25
Miles of connecting track.....	25.04	.....	.....	.....	25.04	.04	.....	25.04
Miles of yard track and sidings.....	1,169.78	.....	.....	.....	1,169.78	46.72	877.29	292.49
Total mileage operated (all tracks).....	6,985.97	.....	19.09	44.81	7,048.97	147.79	2,378.69	4,670.28

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line Operated Under Lease	New Line Constructed and Purchased During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.					Iron.	Steel.
Illinois.....	318.06	.....	.....	318.06	21.07	27.33	290.75
Wisconsin.....	1,355.57	19.09	64.57	1,374.66	.....	240.22	1,134.44
Iowa.....	1,553.27	.....	.....	1,553.27	.67	357.41	1,195.86
Minnesota.....	1,120.09	.....	.....	1,120.09	.....	338.94	781.15
North Dakota.....	118.21	.....	.....	118.21	.....	6.46	111.75
South Dakota.....	1,006.82	.....	.....	1,006.82	.....	531.04	565.78
Missouri.....	140.27	.....	.....	140.27	7.35	.....	140.27
Total mileage operated (single track).....	5,702.31	19.09	64.57	5,721.40	29.09	1,501.40	4,220.00

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OWNED.

State or Territory.	Line Represented by Capital Stock.		Total Mileage, Excluding Trackage Rights.	Rails.	
	Main Line.	Branches and Spurs.		Iron.	Steel.
Illinois.....	\$18.08	318.08	27.33	280.75
Wisconsin	1,355.57	1,355.57	240.22	1,115.35
Iowa	1,533.27	1,533.27	357.41	1,195.86
Minnesota	1,120.09	1,120.09	338.94	781.15
North Dakota.....	118.21	118.21	6.46	111.75
South Dakota	1,006.82	1,006.82	531.04	565.78
Missouri	140.27	140.27	.....	140.27
Total mileage owned (single track)	5,702.31	5,702.31	1,501.40	4,200.91

RENEWALS OF RAILS AND TIES—STATE OF NORTH DAKOTA.

New Rails Laid During Year.				New Ties Laid During Year.		
Kind.	Tons.	Weight Per Yard.	Average Price per Ton at Distributing Point.	Kind.	No.	Average Price at Distribut'g Point.
Steel	666	60 & 75 lbs.	\$ 22 07	Mixed	29,246	\$ 39 40

CONSUMPTION OF FUEL BY LOCOMOTIVES — STATE OF NORTH DAKOTA.

Locomotives.	Coal, Tons—Bituminous.	Wood—Cords.		Total Fuel Consumed Tons.	Miles Run	Average Pounds Consumed per Mile.
		Hard.	Soft.			
Passenger	6,054	None.	163	6,135	163,979	74.68
Freight	10,229		274	10,366	277,070	74.83
Switching	3,758		100	3,798	101,780	74.83
Construction	835		20	846	22,618	74.68
Total	20,876	.....	556	21,145	565,447	74.83
Average cost at distributing point	\$ 1 95	.....	\$ 2 28	.....	

ACCIDENTS TO PERSONS—STATE OF NORTH DAKOTA.

Not trespassing—injured at highway crossings, 1.

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

To secure data for correctly compiling the statement here requested, it will be necessary to make a re-survey of a large portion of the system, as in the last twenty years modifications of grades have been made, of which there are, in many instances, no records in the engineer's office. On some lines acquired by this company no profiles are in existence. To compile what data we have would require about three months time, and to make a survey of the parts of the line of which we have not correct records may require four months work with a field party.

BRIDGES, TRESTLES, TUNNELS, ETC.

Item.	Number.	Aggregate Length.	Minimum Length.	Maximum Length.
		Feet.	Feet.	Feet.
Trestles.....	44	4,424	12	994

Gauge of track, 4 feet 8½ inches; 118 21 miles.

TELEGRAPH.

OWNED BY COMPANY MAKING THIS REPORT AND OPERATED BY WESTERN UNION TELEGRAPH COMPANY.

Miles of line..... 118.00
Miles of wire..... 117.20

OWNED BY ANOTHER COMPANY, BUT LOCATED ON PROPERTY OF ROAD MAKING THIS REPORT.

Cannot state miles of wire. For the construction of the telegraph lines, the Western Union Telegraph company or the North Western Telegraph company in some cases furnished some material and claim joint ownership. Amount not definitely fixed.

CAR MILEAGE.

American Tank Line,
 Armour-Cudahy company,
 American Refrigerator Transit company,
 Ames Coal Transportation company,
 Anglo-American Refrigerator company,
 Armour & Co.,
 Austell Refrigerator company,
 Anderson Refrigerator Line,
 Arms Palace Horse Car company,
 American Live Stock Transportation company,
 American Cotton Oil company,
 American Live Stock Express company,
 American Transportation company,
 Blue Line Transit company,
 J. B. Bassett & Co.,
 Barrett & Barrett,
 Bousfield & Co.,
 Canada Southern Line,
 J. I. Case Threshing Machine company,
 California Fruit Transportation company,
 Columbus & Hocking Coal & Iron company,
 Coates Trunk Line,
 Crystal Oil Works,
 Canadian Pacific Despatch,
 Canada Cattle Car company,
 Chicago Stock Car company,
 Chicago Refrigerator Car company,
 Chicago Steel Works,
 Consolidated Tank Line company,
 Cleveland Refining company,
 J. Dold & Son, dressed beef line,
 J. W. Ellsworth & Co.,
 Empire Line,
 Erie Despatch,
 Empire Oil Works,
 Eureka Coal company,
 Excelsior Oil company,
 Eagle Consolidated Refining company,
 Fall Brook Coal company,
 N. K. Fairbank & Co.,
 Globe Refining company,
 Goodell Refrigerator company,
 Hammond Refrigerator company,
 Hannibal Transfer company,
 G. B. Hodgman Manufacturing company,
 F. C. Hanford Oil company,
 C. B. Havens & Co.,
 Hicks Stock Car company,
 E. Haakinson & Co.,
 Iron Car Express Line,
 Inter-State Transit company,
 International Oil Works,
 Live Poultry Transportation company,
 Joliet & Chicago Stone company,

Kansas City Dressed Beef Line,
 Kansas City Packing company,
 Kansas City Refrigerator Car company,
 A. L. Knoblauch,
 Lima Oil company,
 Mann Brothers,
 Monasha Woodenware company,
 Merchants' Despatch Transportation company,
 Midland Line,
 Mitchell & Lewis company,
 Edward Morris Refrigerator Line,
 Nelson Morris & Co.,
 Mutual Oil company,
 Mather Stock Car Line,
 A. D. Miller & Son,
 National Despatch Line,
 National Lined Oil company,
 Nickel Plate Line,
 National Oil company,
 National Gas Oil company,
 Pennsylvania Refining company,
 Pittsburgh & Toledo Despatch,
 Peerless Refining company,
 Post, Martin & Co.,
 Pullman Palace Car company,
 Polar Equipment & Transit company,
 Paragon Refining company,
 Racine Wagon & Carriage company,
 Red Line Transit company,
 W. F. Rend & Co.,
 Railway Car Association,
 St. Louis Refrigerator Car company,
 Schofield, Schurmer & Teagle,
 Southern Iron Car Line,
 Swift Refrigerator Car company,
 Silberhorn Company,
 Street's Western Stable Car Line,
 St. Charles Car company,
 Southern Despatch Lumber Line,
 Sun Oil Line company,
 A. T. Thatcher,
 Union Line,
 Union Tank Line,
 United States Transportation company,
 Union Refrigerator Transit company,
 Western Car Leasing company,
 Wagner Palace Car company,
 Weaver, Tod & Co.,
 White Line,
 Westmoreland Coal company,
 Waverly Oil Works,
 Washington Refining Company,
 Webster Gasoline company.

STATE OF ILLINOIS.

COUNTY OF COOK.

} ss.

We, the undersigned, Roswell Miller, president, and W. N. D. Winne, general auditor, of the Chicago, Milwaukee & Saint Paul Railway company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

ROSSELL MILLER,
 President.
 W. N. D. WINNE,
 General Auditor.

Subscribed and sworn to before me this 10th day of November, 1891.

WM. F. SCHMIDT,
 Notary Public.

[SEAL.]

ANNUAL REPORT
OF THE
CHICAGO & NORTHWESTERN RAILWAY COMPANY,
FOR THE YEAR ENDING JUNE 30, 1891.

HISTORY.

Name of common carrier, Chicago & Northwestern Railway company.

Date of organization, June 7, 1859.

Organized under act of Illinois legislature, approved February 19, 1859, and act of Wisconsin legislature, approved March 14, 1859. Certificate made June 6, 1859.

Other companies have been consolidated with the Chicago & Northwestern Railway company, as follows:

Name of Company.	State.	Charter or Organization Under General Laws.
Dixon, Rockford & Kenoaha Railway company...	Illinois and Wisconsin.....	Organized January 16, 1884.
Galena & Chicago Union Railroad company	Illinois	Chartered by act of Illinois, January 16, 1886.
Galena & Chicago Union Railroad company	Illinois	Amended by act of Illinois, March 4, 1887.
Galena & Chicago Union Railroad company	Illinois	Amended by act of Illinois, February 24, 1847.
Galena & Chicago Union Railroad company	Illinois	Amended by act of Illinois, February 11, 1853.
Galena & Chicago Union Railroad company	Illinois	Amended by act of Illinois, February 25, 1854.
Galena & Chicago Union Railroad company	Illinois	Amended by act of Illinois, February 15, 1855.
Peninsula Railroad company	Michigan	Organized February 8, 1862.
Beloit & Madison Railroad company	Wisconsin	Chartered by act of Wisconsin, February 18, 1852.
Baraboo Air Line Railroad company	Wisconsin	Chartered by act of Wisconsin, March 8, 1870.
Baraboo Air Line Railroad company	Wisconsin	Amended by act of Wisconsin, January 31, 1871.
La Crosse, Trempealeau & Prescott Railroad Co..	Wisconsin	Chartered by act of Wisconsin, March 6, 1857.
La Crosse, Trempealeau & Prescott Railroad Co..	Wisconsin	Amended by act of Wisconsin, April 4, 1864.
Menominee River Railroad company	Michigan.....	Organized February 9, 1875.
Escanaba & Lake Superior Railway company ...	Michigan.....	Organized November 20, 1880.
Elgin & State Line Railroad company	Illinois	Chartered by act of Illinois, February 12, 1859.
Chicago, Milwaukee & Northwestern Railway Co.	Illinois and Wisconsin.....	Organized March 19, 1881.

Date of Consolidation	Companies Acquired by Consolidation.	Authority for Consolidation.
January 19, 1864.....	Dixon, Rockford & Kenosha Railroad company..	General railroad law.
June 2, 1864.....	Galena & Chicago Union Railroad.....	Authority conferred by charter.
October 21, 1864.....	Peninsula Railroad company.....	General railroad law.
January 10, 1871.....	Beloit & Madison Railroad company.....	Authority conferred by charter.
March 10, 1871.....	Baraboo Air Line Railroad company.....	Authority conferred by charter.
January 6, 1877.....	La Crosse, Trempealeau & Prescott Railroad Co	Authority conferred by charter.
July 1, 1882.....	Menominee River Railroad company.....	General railroad law.
July 1, 1882.....	Escanaba & Lake Superior Railway company....	General railroad law.
June 7, 1883.....	Elgin & State Line Railroad company.....	Authority conferred by charter.
June 7, 1883.....	Chicago, Milwaukee & Northwestern Railway Co	General railroad law.

The property and franchise of other companies have been acquired by the Chicago & Northwestern Railway company by purchase, as follows:

Date of Organization.	Companies.	Date of Purchase.	Authority for Purchase.
April 4, 1863.....	Galesville & Mississippi River Railroad company, Wisconsin.	March 16, 1868.....	General railroad law.
March 16, 1860.....	Rock River Railroad company, Wisconsin.....	March 16, 1868.....	General railroad law.
January 26, 1856.....	Chicago, Iowa & Nebraska railroad, Iowa.....	July 1, 1864.....	General railroad law.
June 14, 1859.....	Cedar Rapids & Missouri River railroad, Iowa.....	July 2, 1864.....	General railroad law.
June 10, 1876.....	Maple River Railroad company, Iowa.....	July 3, 1864.....	General railroad law.
July 21, 1872.....	Stanwood & Tipton, Iowa.....	October 24, 1864.....	General railroad law.
March 2, 1870.....	Iowa Midland Railroad company, Iowa.....	October 24, 1864.....	General railroad law.
July 2, 1868.....	Ottumwa, Cedar Falls & St. Paul Railway company, Iowa.....	October 24, 1864.....	General railroad law.
June 18, 1860.....	Iowa Southwestern Railroad company, Iowa.....	October 24, 1864.....	General railroad law.
August 1, 1870.....	Des Moines & Minnesota Railroad company, Iowa.....	October 24, 1864.....	General railroad law.
April 9, 1866.....	Maple Valley Railroad company, Iowa.....	May 4, 1867.....	General railroad law.
April 15, 1866.....	Janesville & Evansville Railroad company, Wisconsin.....	May 6, 1867.....	General railroad law.
January 12, 1867.....	Stoux Valley Railroad company, Iowa.....	November 2, 1867.....	General railroad law.
August 18, 1873.....	Iowa Railway, Coal & Manufacturing company, Iowa.....	November 2, 1867.....	General railroad law.
October 20, 1866.....	Linn County Railroad company, Iowa.....	November 2, 1867.....	General railroad law.
June 20, 1866.....	Sycamore & Cortland Railroad company, Illinois.....	June 7, 1868.....	Act of Illinois, June 20, 1868.
February 15, 1864.....	Northern Illinois Railroad company, Illinois.....	June 7, 1868.....	Act of Illinois, June 20, 1868.
October 8, 1866.....	Iron River Railroad company, Michigan.....	June 10, 1869.....	Act of Michigan, Feb. 27, 1869.
August 12, 1867.....	Iron Range Railroad company, Michigan.....	June 10, 1869.....	Act of Michigan, Feb. 27, 1869.
August 8, 1867.....	Lake Geneva & State Line Railway company, Wisconsin.....	June 10, 1869.....	General railroad law.
June 15, 1860.....	Toledo & Northwestern Railway, Iowa.....	June 6, 1869.....	General railroad law.

Date of Organization.	Companies.	Date of Purchase.	Authority for Purchase.
January 7, 1889	Junction Railway company, Illinois	June 4, 1891	Act of Illinois, June 30, 1885.
May 28, 1890	Paint River Railway Company, Michigan	June 4, 1891	Act of Michigan, Feb. 27, 1889.

The following named companies are controlled by the Chicago & Northwestern Railway company, by ownership of capital stock, and no distinction is made in operating and accounting by reason of their separate incorporation.

Name of Company.	Where Organized.	Charter or Organization.
Dakota Central Railway company	Dakota	Organized May 7, 1879.
Princeton & Western Railway company	Wisconsin	Organized August 1, 1888.
Winona & St. Peter Railroad company	Minnesota	Chartered by act of March 10, 1892.

The property and franchise of other companies have been acquired by the Chicago & Northwestern Railway company by purchase, as follows:

Date of Organization.	Companies.	Date of Purchase.	Authority for Purchase.
April 4, 1882.....	Galesville & Mississippi River Railroad company, Wisconsin..	March 16, 1883.....	General railroad law.
March 18, 1880.....	Rock River Railroad company, Wisconsin.....	March 16, 1883.....	General railroad law.
January 26, 1886.....	Chicago, Iowa & Nebraska railroad, Iowa.....	July 1, 1884.....	General railroad law.
June 14, 1889.....	Cedar Rapids & Missouri River railroad, Iowa.....	July 2, 1884.....	General railroad law.
June 10, 1876.....	Maple River Railroad company, Iowa.....	July 3, 1884.....	General railroad law.
July 31, 1872.....	Stanwood & Tipton, Iowa.....	October 24, 1884.....	General railroad law.
March 2, 1870.....	Iowa Midland Railway company, Iowa.....	October 24, 1884.....	General railroad law.
July 2, 1883.....	Ottumwa, Cedar Falls & St. Paul Railway company, Iowa.....	October 24, 1884.....	General railroad law.
June 18, 1880.....	Iowa Southwestern Railway company, Iowa.....	October 24, 1884.....	General railroad law.
August 1, 1870.....	Des Moines & Minnesota Railroad company, Iowa.....	October 24, 1884.....	General railroad law.
April 9, 1886.....	Maple Valley Railway company, Iowa.....	May 4, 1887.....	General railroad law.
April 13, 1886.....	Janesville & Evansville Railway company, Wisconsin.....	May 6, 1887.....	General railroad law.
January 12, 1887.....	Sioux Valley Railway company, Iowa.....	November 2, 1887.....	General railroad law.
August 18, 1878.....	Iowa Railway, Coal & Manufacturing company, Iowa.....	November 2, 1887.....	General railroad law.
October 30, 1886.....	Linn County Railway company, Iowa.....	November 2, 1887.....	General railroad law.
June 29, 1886.....	Sycamore & Cortland Railroad company, Illinois.....	June 7, 1888.....	Act of Illinois, June 30, 1885.
February 13, 1884.....	Northern Illinois Railway company, Illinois.....	June 7, 1888.....	Act of Illinois, June 30, 1885.
October 8, 1886.....	Iron River Railway company, Michigan.....	June 10, 1889.....	Act of Michigan, Feb. 27, 1889.
August 12, 1887.....	Iron Range Railway company, Michigan.....	June 10, 1889.....	Act of Michigan, Feb. 27, 1889.
August 8, 1887.....	Lake Geneva & State Line Railway company, Wisconsin.....	June 10, 1889.....	General railroad law.
June 15, 1890.....	Toledo & Northwestern Railway, Iowa.....	June 6, 1889.....	General railroad law.

Date of Organization.	Companies.	Date of Purchase.	Authority for Purchase.
January 7, 1889	Junction Railway company, Illinois	June 4, 1891	Act of Illinois, June 30, 1885.
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Princeton & Western Railway company	Wisconsin	Organized August 1, 1888.
Winona & St. Peter Railroad company	Minnesota	Chartered by act of March 10, 1892.

ORGANIZATION.

Name of Directors.	Postoffice Address.	Date of Expiration of Term.
Horace Williams	Clinton, Iowa.....	.....June, 1892
Frederick L. Ames	Boston, Mass.....	.....June, 1892
John M. Burke.....	New York, N. Y.....	.....June, 1892
Marvin Hughitt	Chicago, Ill.....	.....June, 1892
N. K. Fairbank.....	Chicago, Ill.....	.....June, 1892
W. L. Scott.....	Erie, Pa.....	.....June, 1893
Percy R. Pyne.....	New York, N. Y.....	.....June, 1893
F. W. Vanderbilt.....	New York, N. Y.....	.....June, 1893
W. K. Vanderbilt.....	New York, N. Y.....	.....June, 1893
H. McK. Twombly	New York, N. Y.....	.....June, 1893
John I. Blair.....	Blairstown, N. J.....	.....June, 1893
James C. Fargo.....	New York, N. Y.....	.....June, 1894
David P. Kimball.....	Boston, Mass.....	.....June, 1894
Chauncey M. Depew.....	New York, N. Y.....	.....June, 1894
Samuel F. Barger.....	New York, N. Y.....	.....June, 1894
Albert Keep	Chicago, Ill.....	.....June, 1894
M. L. Sykes	New York, N. Y.....	.....June, 1894

Total number of stockholders at date of last election, 3,555.

Date of last meeting of stockholders for election of directors, June 4, 1891.

Postoffice address of general office, Chicago and New York.

Postoffice address of operating office, Chicago.

OFFICERS.

Title.	Name.	Location of Office.
Chairman of Board.....	Albert Keep .....	.....Chicago, Illinois
President.....	Marvin Hughitt .....	.....Chicago, Illinois
First Vice President.....	M. L. Sykes .....	..... New York, New York
Second Vice President.....	M. M. Kirkman.....	.....Chicago, Illinois
Third Vice President	W. H. Newman.....	.....Chicago, Illinois
Secretary	M. L. Sykes.....	..... New York, New York
Treasurer.....	M. L. Sykes.....	..... New York, New York
General Counsel	William C. Goudy.....	..... Chicago, Illinois
Attorney	Clarence S. Darrow .....	.....Chicago, Illinois
Auditor.....	Joseph B. Redfield .....	.....Chicago, Illinois
General Manager	John M. Whitman .....	.....Chicago, Illinois
Chief Engineer.....	John E. Blunt.....	.....Chicago, Illinois
General Superintendent.....	S. Sanborn.....	.....Chicago, Illinois
Asst. General Superintendent..	Peter Hallenbeck.....	..... Winona, Minnesota
Division Superintendent—Line in North Dakota.....	James S. Oliver.....	.....Huron, South Dakota
Superintendent of Telegraph....	George H. Thayer .....	.....Chicago, Illinois
General Freight Agent	Hiram R. McCullough .....	.....Chicago, Illinois
General Passenger Agent.....	William A. Thrall.....	.....Chicago, Illinois
General Ticket Agent.....	William A. Thrall.....	.....Chicago, Illinois
General Baggage Agent	Nathaniel A. Phillips.....	.....Chicago, Illinois
Land Commissioner	Charles E. Simmons .....	.....Chicago, Illinois

PROPERTY OPERATED.

[For roads making operating reports.]

MILES OF COMPLETED ROAD, JUNE 30, 1891.

	Total.	Illinois.	Iowa.	Wisconsin.	Michigan.	Minnesota.	South Dakota.	North Dakota.
Lines chartered as, or consolidated with Chicago & Northwestern Railway company—								
Chicago to Council Bluffs.....	491.00	137.88	353.12					
Chicago to Freeport.....	121.00	121.00						
Geneva to Aurora.....	9.40	9.40						
Geneva to St. Charles.....	2.40	2.40						
Sycamore to Cortland.....	4.64	4.64						
Elgin to Williams Bay.....	51.04	35.82	15.22					
Belvidere to Spring Valley.....	75.78	75.78						
So. Bra. Junction to river (Chicago).....	4.50	4.50						
Clinton to Anamosa (quarry).....	73.57	.....	73.57					
Stanwood to Tipton.....	8.50	.....	8.50					
Cut-off near Cedar Rapids.....	5.96	.....	5.96					
Des Moines to Jewell Junction.....	59.09	.....	59.09					
Tama to Elmore.....	164.56	.....	164.22	.....	.....	.34		
Jewell Junction to Wall Lake Junction.....	73.68	.....	73.68					
Eagle Grove to Hawarden.....	145.20	.....	145.20					
Belle Plaine to Muchakinock.....	64.00	.....	64.00					

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

MILES OF COMPLETED ROAD, JUNE 30, 1891.

	Total.	Illinois.	Iowa.	Wisconsin.	Michigan.	Minnesota.	South Dakota.	North Dakota.
Boone to coal banks.....	3.25	.....	3.25	.....	.....	.....	.....	.....
Maple River Junction to Onawa.....	80.85	.....	80.85	.....	.....	.....	.....	.....
Wall Lake to Merville.....	79.87	.....	79.87	.....	.....	.....	.....	.....
Carroll to Kirkman.....	34.81	.....	34.81	.....	.....	.....	.....	.....
Manning to Audubon.....	17.00	.....	17 0)	.....	.....	.....	.....	.....
Chicago to Fort Howard.....	242.20	69.78	.....	172.47	.....	.....	.....	.....
Appleton Water Power extension.....	3.63	.....	.....	3.63	.....	.....	.....	.....
Kenosha to Rockford.....	73.10	44.08	.....	28.07	.....	.....	.....	.....
Chicago to Montrose.....	5.20	5.20	.....	.....	.....	.....	.....	.....
Montrose to North Evanston.....	7.69	7.69	.....	.....	.....	.....	.....	.....
Chicago to Milwaukee.....	86.00	44.80	.....	40.40	.....	.....	.....	.....
Milwaukee to Fond du Lac.....	62.63	.....	.....	62.63	.....	.....	.....	.....
Sheboygan to Princeton.....	78.40	.....	.....	78.40	.....	.....	.....	.....
Milwaukee to Montfort.....	140.88	.....	.....	140.88	.....	.....	.....	.....
Montfort to Galena.....	46.84	10.30	.....	36.04	.....	.....	.....	.....
Montfort to Woodman.....	30.50	.....	.....	30.50	.....	.....	.....	.....
Ipswich to Platteville.....	4.00	.....	.....	4.00	.....	.....	.....	.....

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

MILES OF COMPLETED ROAD, JUNE 30, 1891.

	Total.	Illinois.	Iowa.	Wisconsin.	Michigan.	Minnesota.	South Dakota.	North Dakota.
Lancaster Junction to Lancaster.....	12.04	.....	.....	12.04	.....	.....	.....	.....
Janeville to Alton.....	6.10	.....	.....	6.10	.....	.....	.....	.....
Belvidere to Winona.....	227.00	21.00	.....	245.87	.....	.13	.....	.....
Winona Junction to La Crosse.....	3.96	.....	.....	3.96	.....	.....	.....	.....
Trempealeau to Galesville.....	6.71	.....	.....	6.71	.....	.....	.....	.....
Evansville to Janeville.....	15.68	.....	.....	15.68	.....	.....	.....	.....
Fort Howard to Republic.....	202.64	.....	.....	49.45	153.19	.....	.....	.....
Clowry to Michiganme.....	10.44	.....	.....	.....	10.44	.....	.....	.....
Wabuc to Champion.....	1.23	.....	.....	.....	1.23	.....	.....	.....
Powers to Watersmeet.....	104.83	.....	.....	13.73	90.60	.....	.....	.....
Stager to Crystal Falls.....	9.10	.....	.....	.....	9.10	.....	.....	.....
Naranta to Metropolitan.....	34.86	.....	.....	.....	24.86	.....	.....	.....
Branches to mines off main line.....	42.27	.....	.....	.....	42.27	.....	.....	.....
Off E. & L. S. line.....	8.44	.....	.....	.....	8.44	.....	.....	.....
Off Menom. river line.....	36.13	.....	.....	4.71	31.42	.....	.....	.....
Crystal Falls to Hemlock mine.....	15.00	.....	.....	.....	15.00	.....	.....	.....
Total	3,064.60	598.97	1,163.12	936.49	306.53	.47	.....	.....

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

MILES OF COMPLETED ROAD, JUNE 30, 1891.

	Total.	Illinois.	Iowa.	Wisconsin.	Michigan.	Minnesota.	South Dakota.	North Dakota.
Proprietary lines, viz:—								
Princeton & Western Railway.....	16.06							
Valley Junction to Needah.....				16.56				
Winona & St. Peter Railroad.....	448.48							
Winona to Watertown.....						286.50	24.48	
Mankato Junction to Mankato.....						3.75		
Sleepy Eye to Redwood Falls.....						24.40		
Rochester to Zumbrota.....						24.48		
Eyota to Plainview.....						15.01		
Eyota to Chatfield.....						11.46		
Tracy to Dakota line.....						46.40		
Dakota Central Railway.....	723.96							
Minnesota State line to Pierre.....							209.11	
James Valley Junction to Oakes.....							117.67	14.28
Watertown to Gettysburg.....							146.25	
Watertown Junction to Watertown.....							43.88	
Iroquois to Hawarden (State line).....							125.49	
Centerville to Yankton.....							28.46	

PROPERTY OPERATED—Continued.

[For roads making operating reports.]

MILES OF COMPLETED ROAD, JUNE 30, 1891.

	Total.	Illinois.	Iowa.	Wisconsin.	Michigan.	Minnesota.	South Dakota.	North Dakota.
Doland to Groton .....	.....	.....	.....	.....	.....	.....	38.84	
Total	1,188.47	.....	.....	16.06	.....	414.00	744.13	14.28
Recapitulation—								
C. & N. W. R'y. (chartered or consolidated) ..	3,084.60	598.97	1,103.12	930.49	896.55	.47		
Proprietary lines	1,188.47	.....	.....	16.06	.....	414.00	744.13	14.28
Total	4,273.07	598.97	1,103.12	946.55	896.55	414.47	744.13	14.28
Line operated under trackage rights—								
Milwaukee, Lake Shore & Western Railway company, in the city of Waterneet, Mich. .	.47	.....	.....	.....	.47			
Total mileage operated June 30, 1891	4,273.54	598.97	1,103.12	946.55	897.02	414.47	744.13	14.28

PROPERTY OPERATED—*Continued*

[For roads making operating reports.]

NAME OF ALL COAL, BRIDGE, CANAL, OR OTHER PROPERTIES, THE EARNINGS AND EXPENSES OF WHICH AFFECT THE GENERAL BALANCE SHEET.

Name.	Character of Business.	Title—Owned, Leased, etc.	State or Territory.
Western Town Lot Co.	Establishing } towns and selling } town lots	Own'ship of stock	Iowa, Minn., N. and S. Dak.
Pioneer Town Site Co.		Own'ship of stock	Nebraska South Dakota and Wyoming.
Minnesota Land grant.	Selling lands.	Owned by proprietary company.	Minnesota and South Dakota.
Wisconsin Land grant.		Owned	Wisconsin.
Michigan Land grant..		Owned	Michigan.
Consolidation Coal Co...	Mining and selling coal.....	Own'ship of stock	Iowa.

EXPLANATORY REMARKS.

New lines of road have been put in operation during the year as follows:

November 18, 1890, Montrose to North Evanston.....	7.69
June 22, 1891, Crystal Falls to Hemlock mines.....	15.00
Total	22.69

CAPITAL STOCK.

Description.	Number of Shares Authorized.	Par Value of Shares.	Total Par Value Authorized.	Total Amount Issued and Outstanding.	Dividends De- clared During Year.	
					Rate.	Amount.
Capital stock and scrip C. & N. W. Ry. Co. common, including \$10,007,538.06 owned by company.....	418,848	\$ 100 00	No fixed amount.	\$ 41,884,865.97	6	\$1,882,494 00
Capital stock and scrip C. & N. W. Ry. Co. preferred, including \$2,284.56 owned by company.....	228,354	100 00		22,835,454 56	7	1,563,810 00
Capital stock of proprietary companies whose operations, etc., are embraced in this report, common	28,025	\$ 100 00		2,802,500 00	....	.....
Total.....	665,228	.....	.....	\$ 66,522,820 53	....	\$3,445,804 00

CAPITAL STOCK—*Continued.*

Manner of Payment for Capital Stock.	Number Shares Is- sued Dur- ing Year.	Total Num- ber of Shares Issued.	Total Cash Realized.
Issued for cash, 1865-1869—preferred	36,400	\$ 2,911,466 14
Issued by proprietary companies for account of con- struction—common	28,025	
Issued for properties acquired—common	396,276	
Preferred	110,699	
Issued for retiring bonds—common	5,840	
Preferred	51,970	
Issued in 1867 and 1868 for dividends in ; Common. lieu of income used for construction..... { Preferred	13,232 24,086	
Total	665,228	.....

FUNDED DEBT.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Class of Bond or Obligation.	Time.		Amount of Authorized Issue.	Amount Issued.
	Date of Issue.	When Due.		
Mortgage Bonds—				
C. R. & M. R. R. R., 1st div., 1st mtge	Aug. 1, '61	Aug. 1, '91	\$ 700,000 00	\$ 700,000 00
C. I. & N. R. R., 1st mtge.....	Aug. 15, '62	Aug. 15, '92	129,000 00	129,000 00
C. R. & M. R. R. R., 2d div., 1st mtge	Aug. 1, '68	Feb. 1, '94	640,000 00	582,000 00
Maple River R. R. 1st mtge.....	July 1, '77	July 1, '97	520,000 00	498,000 00
Chicago & Milwaukee Ry., 1st mtge ..	July 1, '68	July 1, '98	1,700,000 00	1,700,000 00
Peninsula R. R., 1st mtge.....	July 1, '68	Sept. 1, '98	1,200,000 00	1,200,000 00
Iowa Midland Ry., 1st mtge.....	Aug. 1, '70	Oct. 1, 1900	1,350,000 00	1,350,000 00
Escanaba & Lake Sup. Ry., 1st mtge..	July 1, '81	July 1, '01	720,000 00	720,000 00
C. & N. W. Ry., general con., gold...	Nov. 30, '72	Dec. 1, '02	45,000,000 00	13,651,000 00
Mil. & Madison Ry., 1st mtge.....	Sept. 1, '80	Sept. 1, '05	1,600,000 00	1,600,000 00
Chicago & Tomah R. R. 1st mtge.....	Sept. 1, '80	Nov. 1, '05	1,528,000 00	1,528,000 00
C. M. & N. W. Ry., construction.	May 1, '82	Nov. 1, '05	750,000 00	750,000 00
Menominee River R. R., 1st mtge.....	July 1, '76	July 1, '06	400,000 00	400,000 00
Men. River R. R., exten., 1st mtge....	Jan. 1, '80	July 1, '06	160,000 00	160,000 00
Des Moines & Minn. R. R. 1st mtge ..	Feb. 1, '82	Feb. 1, '07	600,000 00	600,000 00
Dak. Cen. Ry., 1st mtg. (W. & St. P. con.)	May 1, '82	Sept. 1, '07	1,065,000 00	1,065,000 00
W. & St. P. R. R., 2d (now 1st) mtge.	Nov. 1, '67	Nov. 1, '07	1,800,000 00	1,650,000 00
Dak. Cen. Ry., 1st mtge., (S. E. div.)	Nov. 1, '82	Nov. 1, '07	2,000,000 00	2,000,000 00
Roch. & No. Minn. Ry., 1st mtge.....	Sept. 1, '78	Sept. 1, '08	200,000 00	200,000 00
Plainview R. R. 1st mtge.....	Sept. 1, '78	Sept. 1, '08	100,000 00	100,000 00
Minn. Valley Ry., 1st mtge.....	Oct. 1, '78	Oct. 1, '08	150,000 00	150,000 00
O. C. F. & St. P. Ry., 1st mtge.....	Mar. 1, '84	Mar. 1, '09	1,600,000 00	1,600,000 00
C. R. & M. R. R. R., mtge of 1884....	June 1, '84	June 1, '09	769,000 00	769,000 00
No. Illinois Ry., 1st mtge.....	April 1, '85	Mar. 1, '10	1,600,000 00	1,500,000 00
Madison ext., 1st mtge. sinking fund..	April 1, '71	April 1, '11	3,150,000 00	3,150,000 00
Menominee ext., 1st mtge. skg fund...	June 1, '71	June 1, '11	2,700,000 00	2,700,000 00
C. & N. W. Ry., con. skg. fund, cur. .	June 16, '65	Feb. 1, '15	12,900,000 00	12,768,000 00
C. R. & M. R. R. R., 3d div., 1st mtge	May 1, '66	May 1, '16	2,500,000 00	2,332,000 00
W. & St. P. R. R. ext. West div. 1st mtg	Dec. 1, '71	Dec. 1, '16	4,375,000 00	4,375,000 00
No. Western Union Ry., 1st mtge....	June 1, '72	June 1, '17	3,500,000 00	3,500,000 00
				\$ 63,417,000 00

FUNDED DEBT.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Amount Outstanding.	Cash Realized on Amount Issued.	Rate.	Interest.		
			When Payable.	Amount Accrued During Year.	Amount Paid During Year.
\$ 700,000 00	These bonds were assumed by the C. & N. W. Ry. Co. when it acquired the roads named.	7	Feb. 1-Aug. 1	\$ 49,000 00	\$ 49,157 50
129,000 00		7	Feb. 15-Aug. 15	9,080 00	8,995 00
582,000 00		7	Feb. 1-Aug. 1	40,740 00	40,232 50
402,500 00		7	Jan. 1-July 1	28,175 00	28,437 50
1,700,000 00		7	Jan. 1-July 1	119,000 00	120,120 00
132,000 00		7	Mar. 1-Sept. 1	9,240 00	9,170 00
1,350,000 00		8	April 1-Oct. 1	108,000 00	109,360 00
720,000 00		6	Jan. 1-July 1	43,200 00	43,300 00
12,386,000 00		7	June 1-Dec. 1	863,520 00	855,687 50
1,600,000 00		6	Mar. 1-Sept. 1	96,000 00	97,320 00
1,528,000 00	These bonds were assumed by the C. & N. W. Ry. Co. when it acquired the roads named.	6	May 1-Nov. 1	91,680 00	90,870 00
750,000 00		6	May 1-Nov. 1	45,000 00	45,000 00
400,000 00		7	Jan. 1-July 1	28,000 00	27,650 00
160,000 00		7	Jan. 1-July 1	11,200 00	11,200 00
600,000 00		7	Feb. 1-Aug. 1	42,000 00	42,070 00
1,065,000 00		6	Mar. 1-Sept. 1	63,900 00	63,900 00
1,592,000 00		7	May 1-Nov. 1	111,440 00	111,335 00
2,000,000 00		6	May 1-Nov. 1	120,000 00	120,000 00
200,000 00		7	Mar. 1-Sept. 1	14,000 00	14,000 00
100,000 00		7	Mar. 1-Sept. 1	7,000 00	7,000 00
150,000 00	These bonds were acquired by the C. & St. P. Ry. Co. when it acquired the roads named.	7	April 1-Oct. 1	10,500 00	10,500 00
1,600,000 00		5	Mar. 1-Sept. 1	80,000 00	79,700 00
769,000 00		7	June 1-Dec. 1	58,880 00	58,445 00
1,500,000 00		5	Mar. 1-Sept. 1	75,000 00	74,475 00
3,150,000 00		7	April 1-Oct. 1	220,500 00	220,587 50
2,665,000 00		7	June 1-Dec. 1	188,790 00	190,235 00
12,768,000 00		7	Feb. 1-May 1	893,681 83	885,894 33
2,332,000 00		7	May 1-Nov. 1	163,240 00	163,870 00
4,241,000 00	Assumed by the C. & N. W. Ry. Co. when it acquired the road.	7	June 1-Dec. 1	296,870 00	301,329 00
3,500,000 00		7	Mar. 1-Sept. 1	245,000 00	249,130 00
\$ 60,758,500 00				\$ 4,127,596 83	\$ 4,124,080 88

FUNDED DEBT—Continued.**MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.**

Class of Bond or Obligation.	Time.		Amount of Authorized Issue.	Amount Issued.
	Date of Issue.	When Due.		
Miscellaneous Obligations. (Collateral Trust Bonds.)				
C. & N. W. Ry., skg. fund of 1879, 6 per cent.....	Oct. 1, '79	Oct. 1, 1929	\$15,000,000 00	\$ 6,440,000 00
C. & N. W. Ry., skg fund of 1879, 5 per cent.....	Oct. 1, '79	Oct. 1, '29		8,560,000 00
C. & N. W. Ry. extension of 1886.....	April 15, '86	Aug. 15, '26	20,000,000 00	18,632,000 00
C. & N. W. Ry. extension of 1886.....	April 15, '86	Aug. 15, '26		
				\$ 33,632,000 00
Debenture Bonds—				
C. & N. W. Ry. 25-year debens of 1909	July 1, '84	Nov. 1, '09	6,000,000 00	\$ 4,000,000 00
C. & N. W. Ry., 30-year debentures...	Feb. 28, '91	April 15, '21	10,000,000 00	5,000,000 00
C. & N. W. Ry. skg. 3d debens of 1933	May 1, '88	May 1, '33	10,000,000 00	10,000,000 00
				\$ 19,000,000 00
Grand Total.....				\$ 116,040,000 00

*These bonds issued in place of first mortgage bonds of roads, the accounts of which are included in this report,

‡These bonds issued in place of first mortgage bonds of roads, the accounts of which are not included in this report.

FUNDED DEBT—Continued.

MORTGAGE BONDS, MISCELLANEOUS OBLIGATIONS, AND INCOME BONDS.

Amount Outstanding.	Cash Realized on Amount Issued.	Rate.	Interest.		
			When Payable	Amount Accrued During Year.	Amount Paid During Year.
*\$ 6,805,000 00	\$ 6,864,346 67	6	April 1-Oct. 1	\$ 378,300 00	\$ 379,590 00
* 7,850,000 00	8,100,675 00	5	April 1-Oct. 1	395,449 99	399,900 00
* 5,397,000 00	17,605,850 31	4	Feb. 15-Aug. 15	494,134 31	660,764 78
\$ 12,285,000 00		4	Feb. 15-Aug. 15	211,623 77	
<u>\$32,817,000 00</u>				<u>\$ 1,479,508 07</u>	<u>\$ 1,440,254 78</u>
\$ 4,000,000 00	3,907,550 83	5	May 1-Nov. 1	\$ 200,000 00	\$ 195,575 00
5,000,000 00	5,000,000 00	5	April 15-Oct. 15	78,140 97	10,640 98
10,000,000 00	9,150,000 00	5	May 1-Nov. 1	500,000 00	507,450 00
<u>\$ 19,000,000 00</u>				<u>\$ 778,140 97</u>	<u>\$ 713,665 98</u>
<u>\$ 112,570,500 00</u>				<u>\$ 6,380,185 87</u>	<u>\$ 6,278,001 59</u>
Less interest collected on bonds deposited with the trustee in place of bonds issued by C. & N. W. Ry. Co. (the interest on which latter is included in the above)				494,134 31	494,134 31
Amount of coupons, from sundry matured bonds, cancelled				3,545 50	.....
				<u>\$ 497,679 81</u>	.....
				<u>\$ 5,882,506 06</u>	<u>\$ 5,783,867 28</u>

FUNDED DEBT—Continued.
STATEMENT OF AMOUNT.

Series or Other Designation.	Cash Paid on Delivery of Equipment.	Deferred Payments—Principal.		Deferred Payments—Interest.				Per Cent.
		Original Amount.	Amount Outstanding.	Original Amount.	Amount Outstanding.	Amt. Accrued During Year.	Amt. Paid During Year.	
Miscellaneous obligations	\$ 83,682,000 00	\$ 32,817,000 00	.....	...	\$ 1,479,508 07	\$ 1,440,234 78	..
Less credit to interest.....	\$ 494,134 31	\$ 491,184 31	..
Total miscellaneous obligations.	\$ 83,682,000 00	\$ 32,817,000 00	.....	.....	\$ 985,373 76	\$ 946,120 47	..

RECAPITULATION OF FUNDED DEBT.

Class of Debt.	Amount Issued.	Amount Outstanding.	Interest.	
			Amount Accrued During Year.	Amount Paid During Year.
Mortgage bonds.....	\$ 68,417,000 00	\$ 60,753,500 00	\$ 4,127,536 83	\$ 4,124,090 83
Miscellaneous obligations	33,692,000 00	32,817,000 00	985,873 76	946,130 47
Debenture bonds.....	19,000,000 00	19,000,000 00	.....	.....
Income bonds.....	.....	.....	773,140 97	713,665 98
Amount of coupons, from old matured bonds, cancelled.....	.....	.....	3,545 50	.....
Total	\$ 116,049,000 00	\$ 112,570,500 00	\$ 5,892,506 06	\$ 5,783,867 28

CURRENT ASSETS AND LIABILITIES.

Cash and Current Assets Available for Payment of Current Liabilities.	Amount.	Current Liabilities Accrued to and Including June 30, 1891.	Amount.
Cash.....	\$ 1,824,186 51	Audited vouchers and accounts	\$ 885,715 13
Bills receivable	114,695 20	Wages and salaries	1,143,086 27
Due from agents and conductors	1,466,772 55	Net traffic balances due to other companies	200,068 05
Due from solvent companies and individuals	85,173 72	Dividends not called for	41,884 75
Due from U. S. government	307,531 58	Matured interest coupons unpaid (including coupons due July 1)	324,692 02
		Rentals due July 1 (Albany bridge)	6,000 00
		Balance—Cash assets	747,913 34
Total	\$ 3,288,359 56	Total	\$ 3,288,359 56

Materials and supplies on hand, \$1,860,532.01.

RECAPITULATION.

MILEAGE OWNED.

[Including proprietary companies whose operations are embraced in this report.]

Account.	Total Amount Outstanding.	Apportionment.		Amount Per Mile of Road.	
		To Railroads.	To Other Properties.	Miles.	Amount.
Capital stock.....	\$ 66,522,820 53	\$ 66,287,820 52	\$ 235,000 00	4,273.07	\$ 15,512 98
Bonds	112,570,500 00	112,570,500 00	.....	4,273.07	28,944 17
Total.....	\$ 179,093,320 53	\$ 178,858,320 53	\$ 235,000 00	4,273 07	\$ 41,887 10

MILEAGE OPERATED.

Name of Road.	Capital Stock.	Funded Debt.	Current Liabilities.	Total.	Amount per Mile of Road.	
					Miles.	Amount.
Chicago & Northwestern Railway company and proprietary companies whose operations are included in income account.....	\$ 66,287,820 53	\$ 112,570,500 00	\$ 2,550,446 22	\$ 181,408,766 75	4,273.07	\$ 42,453 97
Grand total	\$ 66,287,820 53	\$ 112,570,500 00	\$ 2,550,446 22	\$ 181,408,766 75	4,273 07	\$ 42,453 97

COST OF ROAD, EQUIPMENT, AND PERMANENT IMPROVEMENTS.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Included in Operating Expenses.	Not included in Operating Expenses Charged to Construction or Equipment.			
Construction—					
Right of way.....		\$ 682,601 78			
Fences		47,397 60			
Grading and bridge and culvert masonry.....		668,704 65			
Bridges and trestles.....		214,178 74			
Rails,		469,918 87			
Ties	On the old and more completed parts of the road expended for construction and equipment, amounting to less than \$250 are charged to operating expenses.	165,413 45			
Other superstructure.....		117,167 78			
Buildings, furniture and fixtures		284,151 21			
Shop machinery and tools.....		405 42			
Engineering expenses		20,083 44			
Discount on securities sold for construction.....		14,958 06			
Wharfing, etc.....		Cr. 52 88			
Sidings and yard extensions		622,324 90			
Other Items		164,805 91			
Total construction.....		\$ 3,419,428 98	\$ 127,371,792 89	\$ 130,791,221 82	\$ 30,544 60
Less \$272,000.00 for bonds returned and cancelled.....				\$ 130,519,271 82	

COST OF ROAD, EQUIPMENT AND PERMANENT IMPROVEMENTS—Continued.

Item.	Expenditures During Year.		Total Cost to June 30, 1890.	Total Cost to June 30, 1891.	Cost Per Mile.
	Included in Oper- ating Expenses.	Not included in Operating Ex- penses Charged to Construction or Equipment.			
Equipment—					
Locomotives		\$ 308,490 50			
Passenger cars		14,867 23			
Freight cars		128,074 00			
	On the old and more completed parts of the road petty expendi- tures for construc- tion and equip- ment, amounting to less than \$250 are charged to operating ex- penses.				
Total equipment		\$ 551,431 73	\$ 27,956,697 10	\$ 28,491,529 00	\$ 6,667 70
Grand total cost construction, equipment, etc.		\$ 3,954,260 58	\$ 153,323,499 99	\$ 159,010,750 82	\$ 37,212 80
Total cost of construction, equipment, etc., State of North Dakota (proportional)		\$ 13,205 69	\$ 521,857 07	\$ 531,891 60	\$ 37,212 80

INCOME ACCOUNT.

[For roads making operating reports.]

Gross earnings from operation.....	\$ 28,090,517 95	
Less operating expenses.....	17,633,086 00	
Income from operation.....		\$ 10,457,431 95
Dividends on stocks owned.....	\$ 216,243 00	
Interest on bonds owned.....	498 05	
Miscellaneous income—less expenses.....	43,365 04	
Income from other sources.....		\$ 250,101 09
Total income.....		\$ 10,716,563 04
Deductions from income—		
Interest on funded debt accrued.....	\$ 5,862,506 06	
Taxes.....	870,218 78	
Other deductions—sinking funds.....	201,801 20	
Total deductions from income.....		\$ 6,934,525 09
Net income.....		\$ 3,782,037 95
Dividends, 6 per cent., common stock.....	\$ 1,882,494 00	
Dividends, 7 per cent., preferred stock.....	1,568,810 00	
Total.....		\$ 3,451,304 00
Surplus from operations of year ending June 30, 1891....		\$ 316,733 95
Surplus on June 30, 1890, [from "General Balance Sheet," 1890 report].....		3,304,843 51
Surplus on June 30, 1891.....		\$ 3,621,577 46

EARNINGS FROM OPERATION—STATE OF NORTH DAKOTA.

Item.	Total Receipts.	Deductions, Account of Re-payments, etc.	Actual Earnings.
Passenger—			
Passenger revenue.....	\$ 2,746 98		
Tickets redeemed		\$ 7 74	
Excess fares refunded.....		45 28	
Total deductions.....		\$ 53 02	
Total passenger revenue.....			\$ 2,693 91
Mail.....			1,489 56
Express			475 80
Extra baggage and storage			40 75
Other items, train and station privileges.....			5 00
Total passenger earnings			\$ 4,705 02
Freight—			
Freight revenue	\$ 1,779 76		
Overcharge to shippers		\$ 42 62	
Total deductions.....		\$ 42 62	
Total freight revenue			\$ 1,737 14
Total freight earnings			\$ 1,737 14
Total passenger and freight earnings			\$ 6,442 16
Rents not otherwise provided for			5 00
Total other earnings.....			\$ 5 00
Total gross earnings from operation—North Dakota			\$ 6,447 16
Total gross earnings from operation—Entire line.....			\$ 28,090,517 95

STOCKS OWNED.

OF COMPANIES NOT EMBRACED IN THIS REPORT.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Common stock Chicago, St. Paul, Minneapolis & Omaha Railway company	\$ 9,320,000 00			
Preferred stock Chicago, St. Paul, Minne- apolis & Omaha Railway company	5,390,000 00	4	\$ 215,200 00	
Common stock Sioux City & Pacific Railroad company	1,805,100 00			
Preferred stock Sioux City & Pacific Railroad company	156,000 00	7	1,043 00	
Stock of Fremont, Elkhorn & Missouri Valley Railroad company	30,370,000 00			
Stock of Missouri Valley & Blair Railway & B. company	1,085,000 00			
Stock of Sioux City Bridge company	202,900 00			
Stock of Chicago Union Transfer Railway company (subscription to)	80,000 00			
Total	\$48,348,600 00		\$ 216,243 00	

BONDS OWNED.

Name.	Total Par Value.	Rate Per cent.	Income or Dividend Received.	Valuation.
Chicago, Iowa & Dakota railway first mortgage bonds	\$ 83,990 00			
Clifton Heights Land company bonds	7,638 89	6&7	\$ 498 05	
Escanaba, Iron Mount. and West. railroad first mortgage bonds	1,350,000 00			
Total	\$ 1,390,638 89		\$ 498 05	

RENTALS RECEIVED.

RENTS RECEIVED FROM LEASE OF TRACKS, YARDS, AND TERMINALS.

Designation and Situation of Property Leased.	Name of Company Using Property Leased.	Item.	Total.
Onalaska to Marshland	G. B. W. & St. P. Ry. Co....	\$ 2,405 58	
Marshland to Winona.	G. B. W. & St. P. Ry. Co....	8,127 97	
In city of Zumbrota.....	Dul. Red W. & S. W. Ry. Co	880 52	
Sidings in Council Bluffs, Ia..	C. B. & Q. R. R. Co... ..	189 40	
Sidings in Council Bluffs, Ia..	C. R. I. & P. R. R. Co.....	189 40	
Sidings in Cedar Rapids, Ia...	C. M. & St. P. Ry. Co	69 48	
Sidings in Milwaukee.....	C. M. & St. P. Ry. Co	450 00	
Sidings in What Cheer, Ia....	What Cheer Coal company...	685 52	
Total			\$ 12,947 87
Bridge across Mississippi river at Clinton.....	C. B. & Q. R. R. Co.....	\$ 20,000 00	
Total			20,000 00
Grand total rents received...			\$ 32,947 87

MISCELLANEOUS INCOME.

Item.	Gross Income.	Less Expenses.	Net Miscellaneous Income.
Interest on notes, call loans, discounts on accounts payable, etc.....	\$ 44,764 64	\$ 2,899 60	\$ 42,865 04
Total carried to "Income Account".....	.....	.....	\$ 42,865 04
Receipts and expenditures account of the properties as listed—			
Minnesota land grant.....	287,058 23	21,584 58	\$ 245,473 70
Michigan land grant.....	135,630 19	36,541 74	99,088 45
Wisconsin land grant.....	20,138 88	14,843 04	5,795 83
Western Town lot company.....	50,074 34	24,140 83	34,933 51
Pioneer Town Site company.....	68,754 59	22,158 67	46,600 92
Consolidation Coal company.....	382,358 27	358,454 21	23,904 06
Total	\$ 983,014 50	\$ 477,218 01	\$ 455,796 49

OPERATING EXPENSES.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Maintenance of way and structures—			
Repairs of roadway	\$ 591,785 49	\$ 1,112,175 08	\$ 1,708,960 52
Renewals of rails	79,180 34	148,714 01	227,844 35
Renewals of ties	182,587 99	343,147 06	525,735 05
Repairs of bridges and culverts	153,778 40	261,417 10	385,195 50
Repairs of fences, road-crossings, signs and cattle guards	37,354 52	70,302 41	107,556 93
Repairs of buildings	118,448 98	222,607 08	341,056 06
Repairs of docks and wharves .....	.....	37,965 87	37,965 87
Repairs of telegraph	9,920 06	18,644 45	28,565 11
Total	\$ 1,158,006 38	\$ 2,204,994 21	\$ 3,357,900 59
Maintenance of equipment—			
Repairs and renewals of locomotives	\$ 225,577 42	\$ 907,272 51	\$ 1,123,849 93
Repairs and renewals of passenger cars	387,641 97	.....	387,641 97
Repairs and renewals of freight cars .....	.....	1,329,643 41	1,329,643 41
Repairs and renewals of ferry boats, tugs, floats and barges	323 24	607 49	930 73
Shop machinery, tools, etc	29,196 24	54,870 10	84,066 34
Total	\$ 642,788 87	\$ 2,392,398 51	\$ 2,965,182 38
Conducting transportation—			
Wages of enginemen, firemen and roundhouse- men	\$ 710,601 26	\$ 1,335,472 04	\$ 2,046,073 30
Fuel for locomotives	689,673 39	1,396,141 14	1,965,814 53
Water-supply for locomotives	37,724 79	70,696 27	108,623 06
All other supplies for locomotives	36,154 33	67,946 81	104,101 14
Wages of other trainmen	458,340 22	1,181,553 11	1,589,893 33
All other train supplies	126,823 06	99,979 20	226,801 26
Wages of switchmen, flagmen and watchmen ..	273,907 31	514,769 07	788,676 38
Expense of telegraph, including train dispatch- ers and operators	126,077 62	236,944 62	363,022 24
Wages of station agents, clerks and laborers ..	650,773 25	1,228,063 99	1,878,837 24
Station supplies	30,012 43	56,404 00	86,416 43
Switching charges—balance .....	.....	72,359 08	72,359 08

OPERATING EXPENSES—*Continued.*

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Conducting transportation—			
Car mileage—balance.....	\$ 44,171 04	\$ 172,491 91	\$ 216,662 95
Loss and damage.....	12,082 26	132,452 84	144,435 10
Injuries to persons.....	105,129 07	196,652 95	301,778 02
Barges, floats, tugs, ferryboats, expenses of, including wages, fuel and supplies	768 44	1,444 17	2,212 61
Total	\$ 3,302,178 49	\$ 6,606,543 20	\$ 9,910,721 69
General expenses—			
Salaries of officers.....	\$ 60,316 37	\$ 113,355 86	\$ 173,672 23
Salaries of clerks.....	106,066 21	199,386 07	305,452 28
General office expenses and supplies	38,913 00	78,131 35	112,044 35
Agencies, including salaries and rent	76,265 14	148,329 28	219,594 42
Advertising.....	28,228 60	58,061 57	81,290 17
Commissions.....	53,092 95	54,422 89	107,515 84
Insurance.....	792 61	1,489 59	2,282 20
Expense of fast freight lines.....		1,431 52	1,431 52
Expense of traffic associations	5,490 46	47,979 82	53,470 28
Expense of stock yards and elevators		828 40	828 40
Rents for tracks, yards and terminals.....	18,828 86	34,446 44	52,775 30
Rents not otherwise provided for	4,229 46	7,948 65	12,178 11
Legal expenses	44,660 60	83,983 13	128,593 73
Stationery and printing	61,898 20	116,319 31	178,212 51
Total	\$ 496,277 46	\$ 981,008 88	\$ 1,429,281 34
Recapitulation of expenses—			
Maintenance of way and structures.....	\$ 1,153,006 88	\$ 2,204,894 21	\$ 3,357,900 59
Maintenance of equipment ..	642,788 87	2,292,898 51	2,935,182 39
Conducting transportation.....	3,302,178 49	6,606,543 20	9,910,721 69
General expenses	496,277 46	981,008 88	1,429,281 34
Grand Total	\$ 5,594,251 20	\$ 12,085,344 80	\$ 17,679,596 00
Percentage of expenses to earnings—entire line.....	69.9%	60.4%	62.7%

OPERATING EXPENSES—Continued.

[Apportionment between passenger and freight traffic is estimated according to the rule prescribed by the Interstate Commerce Commission.]

Item.	Chargeable to Passenger Traffic.	Chargeable to Freight Traffic.	Total.
Operating expenses—State of North Dakota—Proportional on basis of miles of road.			
Maintenance of way and structures.....	\$ 3,868 19	\$ 7,368 45	\$ 11,221 64
Maintenance of equipment.....	2,147 94	7,660 86	9,808 80
Conducting transportation.....	11,085 41	22,684 82	33,120 23
General expenses	1,665 18	3,111 28	4,776 46
Total	\$ 18,701 72	\$ 40,225 41	\$ 58,927 13

RENTALS PAID.

RENTS PAID FOR LEASE OF OTHER PROPERTY.

Designation and Situation of Property Leased.	Name of Company Owning Property Leased.	Item.	Total.
Grand Crossing to La Crosse.	G. B. W. & St. P. Ry. Co....	\$ 1,487 94	
In city of Watersmeet, Mich...	M. L. S. & W. Ry. Co.....	489 36	
Pd F. E. & M. V. R.R. ac. track	Blair & Omaha	7,793 91	
Sidings at Lindwen, Wis.....	Chi. Mil. & St. P. Ry. Co....	1,000 00	
Sidings and spurs in Oshkosh.	Oshkosh Transportation Co..	6,099 25	
Total			\$ 16,770 36
Bridge over Mississippi river at Clinton.....	Albany Railroad Bridge Co..	\$ 12,000 00	
Total			\$ 12,000 00
U. P. transfer station at Council Bluffs, Iowa	Union Pacific	\$ 4,400 00	
Shea & George, dock at Milwaukee, Wis.....	Shea & George.....	19,604 94	
Total			\$ 24,004 94
Grand total rents.....			\$ 52,775 30

COMPARATIVE GENERAL BALANCE SHEET.

June 30, 1890.		Assets.	June 30, 1891.		Year Ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 127,371,792 89		Cost of road .....	.....	\$ 180,519,221 82	\$ 3,147,428 98	
27,986,697 10		Cost of equipment .....	.....	28,491,529 00	594,831 90	
12,046,913 50		Stocks of other companies owned ....	.....	12,074,173 50	27,260 00	
40,638 89		Bonds of other companies owned ....	.....	1,316,646 66	1,276,007 77	
422,798 75		Other permanent investments .....	.....	650,000 00	227,206 25	
532,478 40		Cost of property Consolidation Coal Co., and Western Town Lot Co., and Pioneer Town Site Co. ....	.....	608,480 13	55,961 73	
11,015,000 00		Bonds of F. E. & M. V. R. R. and Wyo. Cent. Ry. deposited with trustees as security for a like amount of bonds issued by C. & N. W. Ry. company .....	.....	13,285,000 00	2,220,000 00	
21,000 00		C. & N. W. Ry. consol. S. F. bonds on hand .....	.....	1,000 00	.....	\$ 20,000 00
2,497,325 20		Cash and current assets .....	.....	3,298,359 56	801,034 36	
247,875 00		Cost of stocks of proprietary companies whose operations are embraced in this report .....	.....	287,500 00	.....	10,575 00
		Other assets:				
2,071,297 20		Material and supplies .....	.....	1,950,582 01	.....	120,765 19
4,747,970 00		Sinking fund, trustees of .....	.....	5,611,441 20	863,471 20	
\$ 186,991,781 98		Grand total .....	.....	\$ 197,998,883 86	\$ 9,002,051 96	

COMPARATIVE GENERAL BALANCE SHEET—Continued.

June 30, 1890.		Liabilities.	June 30, 1891.		Year ending June 30, 1891.	
Item.	Total.		Item.	Total.	Increase.	Decrease.
\$ 66,582,820 53		Capital stock .....	.....	\$ 66,582,820 53	.....	\$ 10,000 00
375 00		Subscription to stock of Paint River Railway company .....	.....	.....	.....	375 00
104,985,500 00		Funded debt .....	.....	112,570,500 00	\$ 7,585,000 00	
2,775,068 28		Current liabilities .....	.....	2,580,446 22	.....	224,642 01
125,000 00		Notes Consolidation Coal company, for coal lands maturing in 1891 .....	.....	.....	.....	125,000 00
1,272,814 62		Accrued interest on funded debt, not yet payable .....	.....	1,877,319 10	104,508 28	
1,088,775 00		F. E. & M. V. R. R. Co. ....	.....	867,068 09	.....	141,708 91
		M. V. & B. Ry. & B. Co. ....	.....	314,251 85	314,251 85	
4,747,970 00		Sinking fund installments paid ac- crued interest on sinking funds .....	.....	4,972,371 20	883,471 20	
		Profit and loss—	.....	.....	.....
5,804,843 51		Surplus—Railroad income .....	.....	5,621,586 56	316,753 05	
186,000 00		Surplus—C. & N. W. Ry., 5 per cent. bonds of 1878, redeemed and can- celled .....	.....	.....	.....	136,000 00
97,167 96		Surplus—Consolidation Coal Co. ....	.....	121,072 02	28,904 06	
1,975,426 00		Surplus from land grant lands and town lots, less deferred payments on same .....	.....	2,107,319 31	431,892 43	
\$ 186,061,781 98		Grand Total .....	.....	\$ 197,968,888 86	\$ 9,002,051 96	.....

IMPORTANT CHANGES DURING THE YEAR—STATE OF NORTH DAKOTA.

No extensions of road put in operation in North Dakota.

No decrease in mileage.

No important physical changes in North Dakota.

No leases taken or surrendered.

No consolidations or reorganization effected in North Dakota.

The outstanding capital stock has been decreased, during the year, by the absorption of the Junction railway (Illinois.) \$10,000 00

Paint River railway (Michigan)..... 375 00 Sub.

Total \$10,375 00

The bonded debt has been increased, during the year, by the issue of bonds as follows:

C. & N. W. Ry. 4 per cent. extension bonds^o..... \$2,720,000 00

C. & N. W. Ry. 80 year debenture bonds..... 5,000,000 00

C. & N. W. Ry. consul, S. F. bonds..... 1,000 00

Total \$7,721,000 00

And has been decreased by the cancellation of \$138,000.00 of C. & N. W. Ry. consul S. F. bonds of 1879, for account of the sinking fund, making a net increase of \$7,583,000.00.

The following financial changes have taken place during the year: The making, by this company, of an agreement with the Union Trust company, of New York, dated February 28, 1891, providing for an issue of not exceeding \$10,000,000 of debenture bonds, known as C. & N. W. Ry. Co. 80 year debenture bonds, to provide for the construction of second track and for the equipment and improvement of the company's lines.

The making of a trust deed to the Union Trust company, of New York, trustee, bearing date April 1, 1891, covering line Wall Lake to Kingsley, Iowa, given to secure \$1,411,000.00 of first mortgage bonds (Iowa division) to be issued to retire a like amount of bonds maturing hereafter.

An increased ownership of stocks of other companies, to wit:—

S. C. & P. R. R. common stock \$ 7,100 00

S. C. & P. R. R. preferred stock 700 00

F. E. & M. V. R. R. 5,820,000 00

Sioux City bridge 127,500 00

Chicago Union Transfer railway (subscription) 80,000 00

\$5,535,800 00

Loss:—

Stock of Wyoming Central Railway company surrendered in exchange for stock of the F. E. & M. V. R. R. Co. under the terms of consolidation \$2,100,000 00

Stock of South Dakota Western Railway company dropped from the accounts (the property and franchises of which company were sold to the F. E. & M. V. road) 5,000 00 \$2,105,000 00

Net increase..... \$3,430,000 00

An increased ownership of bonds of other companies, to wit:—

Escanaba, Iron Mountain & Western railway, first mortgage bonds..... \$1,350,000 00

An increase in the sinking fund account, made up by—

Installment to Madison extension S. F. \$ 23,000 00

Installment to Menominee extension S. F. 20,000 00

Installment to Northwestern Union extension S. F. 15,000 00

Installment to W. & St. P. extension 23,000 00

Installment to 5 per cent. S. F. of 1879 143,301 20

And the bringing upon the books of the company the accretions of interest to the various sinking funds, amounting to \$689,170.00.

^o NOTE—\$1,200,000.00 of this amount was issued for a like amount of bonds issued by the F. E. & M. V. R. R. Co. and Wyoming Central Railway company, and deposited with the trustee as collateral.

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CONTRACTS, AGREEMENTS, ETC., AFFECTING BUSINESS WITHIN STATE OF NORTH DAKOTA.

EXPRESS COMPANIES.

By an agreement with American Express company of date, February 27, 1890, to be in force for five years from February 1, 1890, the Chicago & Northwestern Railway company agrees to transport the freight of the express company over all lines operated by the railway company, except to local points between Chicago and Milwaukee, for an annual payment of \$386,000.04 for an estimated tonnage and an agreed schedule of rates for any exceptional excess of tonnage.

MAILS.

The company transports mails over any route on its lines when ordered by the United States Postoffice Department.

The company receives such compensation for its services as is from time to time fixed.

SLEEPING, PARLOR OR DINING CAR COMPANIES.

Sleeping, parlor or dining cars are not run in North Dakota.

FREIGHT OR TRANSPORTATION COMPANIES OR LINES.

The cars of all transportation companies are allowed to run over this company's lines, paying regular rates and receiving mileage, and their freight having no preference over other freight of like class.

OTHER RAILROAD COMPANIES.

None for North Dakota.

STEAMBOAT OR STEAMSHIP COMPANIES.

This company has no contracts with steamboat or steamship companies.

TELEGRAPH COMPANIES.

By contract with Western Union Telegraph company all lines of road operated by this company are afforded telegraph facilities.

This company having certain wires or rights to their use for the business of the railway company, commercial business being done by the telegraph company.

SECURITY FOR FUNDED DEBT.

Class of Bond or Obligation.	What Road Mortgaged.		Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To— Miles.		
C. R. & Mo. R. R. 1st div. 1st mortgage...	Cedar Rapids, Iowa.....	Marshalltown, Iowa.....	70.00	\$ 10,000 00
C. I. & N. R. R. 1st mortgage.....	Clinton, Iowa.....	Cedar Rapids, Iowa.....	81.30	1,536 71
C. R. & M. R. R. 2d div. 1st mortgage.....	Marshalltown, Iowa.....	Des Moines river.....	}	10,659 34
C. R. & M. R. R. 2d div. 1st mortgage.....	Clinton, Iowa.....	Lyons.....		
Maple River Railroad.....	Maple River Junction.....	Mapleton, Iowa.....	60.15	6,691 60
Chicago & Milwaukee railway, 1st mortgage..	Chicago.....	Milwaukee.....	85.00	20,000 00
Peninsula railway, 1st mortgage.....	Escanaba, Mich.....	Negaunee, Mich.....	106.55	1,212 68
Iowa Midland railway, 1st mortgage.....	Lyons, Iowa.....	Anamosa, Iowa.....	70.97	19,047 48
Escanaba & Lake Superior railway, 1st mort..	Narcenta, Mich.....	Metropolitan, Mich.....	43.30	13,628 17
C. & N. W. Ry. general consolidated gold....	Chicago (incl. br'chs to mines)	Ishpeming, Mich.....	}	7,381 19
C. & N. W. Ry. general consolidated gold....	Chicago.....	Missouri river opp. Omaha...		
C. & N. W. Ry. general consolidated gold....	Chicago.....	Freeport, Ill.....		
C. & N. W. Ry. general consolidated gold....	Chicago.....	Fon du Lac, Wis.....		
C. & N. W. Ry. general consolidated gold....	Belvidere.....	Winona, Minn.....		
C. & N. W. Ry. general consolidated gold....	Elgin, Ill.....	Lake Geneva, Wis.....		
C. & N. W. Ry. general consolidated gold....	Kenosha, Wis.....	Rockford, Ill.....		
C. & N. W. Ry. general consolidated gold....	Clinton, Iowa.....	Anamosa, Iowa.....		
C. & N. W. Ry. general consolidated gold....	Stanwood, Iowa.....	Tipton, Iowa.....		
C. & N. W. Ry. general consolidated gold....	Geneva, Ill.....	Batavia, Ill.....		
C. & N. W. Ry. general consolidated gold....	Geneva, Ill.....	St. Charles, Ill.....	1,669.92	

SECURITY FOR FUNDED DEBT—Continued.

Class of Bond or Obligation.	What Road Mortgaged.		Miles.	Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To—			
C. & N. W. Ry. general consolidated gold....	Chicago	South branch track.....			
C. & N. W. Ry. general consolidated gold....	Montrose	Cut-off track.....	82.00	\$ 19,512 20	
Milw. & Madison Ry. 1st mortgage.....	Milwaukee, Wis.....	Madison, Wis.....			
Chicago & Tomah R. R. 1st mortgage.....	Galena, Ill.....	Woodman, Wis.....			
Chicago, Milw. & N. W. Ry. 1st mortgage..	Montfort, Wis.....	Madison, Wis.....			
Chicago, Milw. & N. W. Ry. 1st mortgage..	Ipswich, Wis.....	Platteville, Wis.....	131.76	15,010 14	
Chicago, Milw. & N. W. Ry. 1st mortgage..	Lancaster Junction.....	Lancaster			
Menominee River R. R. 1st mortgage	Powers, Mich	Quinnesec, Mich.....	24.71	16,187 77	
Menom. River R. R. ext. 1st mort	Quinnesec, Mich	Wisconsin state line	6.37	25,117 74	
Des Moines & Minn. R. R. 1st mortgage.....	Des Moines, Iowa.....	Jewell Junction, Iowa.....	57.34	10,463 90	
Dakota Central Ry. 1st mige (W. & St. P. con.)	Watertown, S. D	Redfield, S. D	71.00	15,000 00	
W. & St. P. R. R. 2d (now 1st) mortgage.....	Winona, Minn.....	St. Peter, Minn.....	139.00	11,453 23	
Dakota Central Ry. 1st mige. (So. E. div.)...	Iroquois, S. D	Hawarden, Iowa.....	125.49	15,987 46	
Roch. & No. Minn. Ry. 1st mortgage.....	Rochester, Minn.....	Zumbrota, Minn.....	24.48	8,169 93	
Plainview R. R. 1st mortgage.....	Eyota, Minn.....	Plainview, Minn.....	15.01	6,963 22	
Minnesota Valley Ry. 1st mortgage.....	Sleepy Eye, Minn.....	Redwood Falls, Minn.....	24.40	6,147 54	
Ott. C. F. & St. F. Ry. 1st mortgage.....	Belle Plain, Iowa.....	Muchakinock	64.00	25,000 00	
C. & M. R. R. R. mortgage of 1884.....	Cedar Rapids, Iowa	Des Moines river	122.00	6,303 28	
Northern Illinois Ry. 1st mortgage.....	Belvidere, Ill.....	Spring Valley, Ill.....	75.78	19,926 10	
Madison ext. 1st mortgage sinking fund.....	Madison, Wis	Winona Junction, Wis.....	129.10	24,899 69	

SECURITY FOR FUNDED DEBT—Continued.

Class of Bond or Obligation.	What Road Mortgaged.		Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To—	Miles.	
Menominee ext. 1st mtge. sinking fund.....	Ft. Howard, Wis.....	Escanaba, Mich.....	114.10	\$ 23,637 16
C. & N. W. Ry. con. skg. fund currency.....	Chicago.....	Ft. Howard, Wis.....		
C. & N. W. Ry. con. skg. fund currency.....	Escanaba, Mich.....	Negaunee, Mich. iron mines.		
C. & N. W. Ry. con. skg. fund currency.....	Chicago.....	Clinton, Iowa.....		
C. & N. W. Ry. con. skg. fund currency.....	Chicago.....	Freeport, Ill.....	788.22	16,198 52
C. & N. W. Ry. con. skg. fund currency.....	Belvidere, Ill.....	Madison, Wis.....		
C. & N. W. Ry. con. skg. fund currency.....	Elgin, Ill.....	Richmond, Ill.....		
C. & N. W. Ry. con. skg. fund currency.....	Rockford, Ill.....	Kenosha, Wis.....		
C. R. & M. R. R. 3d 1st mortgage.....	Des Moines river.....	Missouri river opp. Omaha...	149.60	15,588 23
W. & St. P. R. R. ext. gold.....	St. Peter, Minn.....	Watertown, S. D.	188 98	22,051 42
N. W. Union Ry. 1st mortgage.....	Milwaukee, Wis.....	Fon du Lac, Wis.....	62.63	55,883 76
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	<p>Issued on pledge of collateral bonds, which are secured by first mortgages (maturing same date as this mortgage) on lines as follows:</p>			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Mapleton, Iowa.....	Onawa, Iowa.....		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Lake City, Iowa.....	Wall Lake, Iowa.....		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Columbia, S. D.....	Oakes, N. D.....		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Redfield, S. D.....	Gettysburg, S. D.....		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Doland, S. D.....	Groton, S. D.....		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Janesville, Wis.....	Evansville, Wis.....		

SECURITY FOR FUNDED DEBT—Continued.

Class of Bond or Obligation.	What Road Mortgaged.			Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To—	Miles.		
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Kingsley, Iowa.....	Moiville, Iowa.....			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Cedar Rapids, Iowa.....	Cut-off.....			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Iron River, Mich.....	Watersneet, Mich.....			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Ishpeming, Mich.....	Michiganmme and branch.....	317.29	\$ 17,008 67	
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Lake Geneva, Wis.....	Williams Bay, Wis.....			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Montrose, Ill.....	North Evanston, Ill.....			
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Crystal Falls, Mich.....	Hemlock Mine, Mich.....			
	And for bonds of other companies deposited with trustee as collateral, viz.:				
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Fremont, Elkhorn & Missouri Valley Railroad company consolidated bonds.....				\$ 10,675,000 00
C. & N. W. Ry. ext. bonds of 1886, 4 per cent.	Wyoming Central Railway Co. 1st mortgage bonds....				2,560,000 00
	Issued on pledge of collateral bonds which are secured by first mortgages (maturing same date as this mortgage) on lines as follows:				
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Tracy, Minn.....	Dakota state line.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Eyota, Minn.....	Chatfield, Minn.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Stanwood, Iowa.....	Tipton, Iowa ..			

SECURITY FOR FUNDED DEBT—Continued.

Class of Bond or Obligation.	What Road Mortgaged.			Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To—	Miles.		
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Michigan state line nr. Spread Eagle.....	Wisconsin state line near Stager.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Sheboygan, Wis.....	Princeton, Wis.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Janesville, Wis.....	Afton, Wis.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Carroll, Iowa.....	Kirkman, Iowa.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Manning, Iowa.....	Audubon, Iowa.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Wisconsin state line.....	Iron River, Mich.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Stager, Mich.....	Crystal Falls.....	1 041.50	\$ 13,619 78	
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Branches to mines.....	.....		
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Trempealeau.....	Galesville, Wis.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Sycamore, Ill.....	Cortland, Ill.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Tama, Iowa.....	Elmore, Iowa.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Eagle Grove, Iowa.....	Hawarden, Iowa.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Minnesota line near Elkton..	Pierre, S. D.....			

SECURITY FOR FUNDED DEBT—Continued.

Class of Bond or Obligation.	What Road Mortgaged.			Amount of Mortgage per Mile of Line.	What Securities Mortgaged.
	From—	To—	Miles.		
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Huron, S. D.....	Ordway, S. D.....	}		
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Brookings, S. D.....	Watertown, S. D.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Centerville, S. D.....	Yankton, S. D.....			
C. & N. W. Ry. sinking fund of 1879, 6 and 5 per cent.....	Ordway, S. D.....	Columbia, S. D.....			
C. & N. W. Ry. 25-year debentures of 1909....					
C. & N. W. Ry. sinking fund debentures of 1883....					
C. & N. W. Ry. 30-year debentures of 1921....					

EMPLOYES AND SALARIES—STATE OF NORTH DAKOTA.

Class.	Number.	Total Number of Days Worked.	Total Yearly Compensa- tion	Average Daily Compensa- tion.
Station Agents	2	626	\$ 980 00	\$1 56
Other station men	1	313	270 00	* 86
Other shopmen	2	626	680 00	1 01
Section foremen	2	626	1,080 00	1 72
Other trackmen	4	1,252	1,640 00	1 31
Telegraph operators and dispatchers	1	313	270 00	* 86
All other employees and laborers .....	.....	.....	50 75	.....
Total (incl. "Gen. Officers") North Dakota..	12	3,756	\$ 4,930 75	\$1 31
Distribution of above—(Estimated)				
Maintenance of way and structures	6	1,878	\$ 2,770 75	\$1 48
Conducting transportation	6	1,878	2,160 00	1 15
Total (incl. "Gen. Officers") North Dakota...	12	3,756	\$ 4,930 75	\$1 31
Total (including "Gen. Officers") Entire Line	18,991	5,744,183	\$ 11,743,005 13	\$1 98

*Half pay on account of joint station.

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA.

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger traffic—		
Number of passengers carried earning revenue.....	5,778	
Number of passengers carried one mile.....	80,849	
Average distance carried.....	18.99	
Total passenger revenue.....		\$ 2,698.91
Average amount received from each passenger.....		46.623
Average receipts per passenger per mile.....		.08332
Total passenger earnings.....		4,706.02
Passenger earnings per mile of road.....		329.48
Passenger earnings per train mile.....		.75160
Freight traffic—		
Number of tons carried of freight earning revenue....	5,063	
Number of tons carried one mile.....	77,329	
Average distance haul of one ton.....	14	
Total freight revenue.....		1,787.14
Average amount received for each ton of freight.....		.80672
Average receipts per ton per mile.....		.02216
Total freight earnings.....		1,737.14
Freight earnings per mile of road.....		121.65
Freight earnings per train mile.....		.28065
Passenger and Freight—		
Passenger and freight revenue.....		4,431.05
Passenger and freight revenue per mile of road.....		310.80
Passenger and freight earnings.....		6,442.16
Passenger and freight earnings per mile of road.....		451.13
Gross earnings from operation.....		6,447.16
Gross earnings from operation per mile of road.....		451.48
Expenses—Proportional on basis of miles of road.....		58,927.14
Expenses per mile of road.....		4,126.55
Train mileage—		
Miles run by passenger trains.....	6,260	
Miles run by freight trains.....	6,060	
Total mileage of trains earning revenue.....	12,320	

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— STATE OF NORTH DAKOTA—*Continued.*

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Miles run by switching trains.....	1,280	
Miles run by construction and other trains.....	626	
Grand total train mileage	14,326	
Mileage of loaded freight cars—North or east	22,842	
Mileage of loaded freight cars—South or west	12,426	
Mileage of empty freight cars—North or east.....	2,150	
Mileage of empty freight cars—South or west.....	6,512	
Average number of freight cars in train	7.23	
Average number of loaded cars in train.....	5.82	
Average number of empty cars in train.....	1.43	
Average number of tons of freight in train.....	12.76	
Average number of tons of freight in each loaded car...	2.19	

PASSENGER AND FREIGHT, AND TRAIN MILEAGE— ENTIRE LINE.

Item.	Column for Tonnage Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Passenger Traffic:		
Number of passengers carried earning revenue	13,353,379	
Number of passengers carried one mile	311,054,319	
Average distance carried	28.29	
Total passenger revenue		\$ 6,845,761.60
Average amount received from each passenger .....		.51266
Average receipts per passenger per mile .....		.02201
Estimated cost of carrying each passenger one mile .....		.01799
Total passenger earnings		7,961,623.24
Passenger earnings per mile of road		1,867.68422
Passenger earnings per train-mile		1.05123
Freight Traffic:		
Number of tons carried of freight earning revenue	13,547,496	
Number of tons carried one mile	1,944,564,945	
Average distance haul of one ton	144	
Total freight revenue		19,980,909.85
Average amount received for each ton of freight		1.47488
Average receipts per ton per mile .....		.01028
Estimated cost of carrying one ton one mile .....		.00619
Total freight earnings		20,008,841.78
Freight earnings per mile of road		4,690.85984
Freight earnings per train mile		1.40191
Passenger and Freight:		
Passenger and freight revenue		26,826,671.45
Passenger and freight revenue per mile of road		6,277.39
Passenger and freight earnings		27,965,465.02
Passenger and freight earnings per mile of road		6,548.54
Gross earnings from operation		28,090,517.95
Gross earnings from operation per mile of road		6,573.13
Expenses		17,633,086.00
Expenses per mile of road		4,126.10

**PASSENGER AND FREIGHT, AND TRAIN MILEAGE—
ENTIRE LINE—Continued.**

Item.	Column for Tonnage, Number Passengers, Number Trains, Mileage, Number Cars.	Column for Revenue and Rates.
Train Mileage :		
Miles run by passenger trains	7,363,493	
Miles run by freight trains.....	13,581,527	
Miles run by mixed trains	916,586	
Total mileage trains earning revenue.....	21,861,600	
Miles run by switching trains.....	6,824,358	
Miles run by construction and other trains....	909,918	
Grand total train mileage.....	29,595,876	
Mileage of loaded freight cars—North or east	88,772,818	
Mileage of loaded freight cars—South or west.....	109,657,080	
Mileage of empty freight cars—North or east.....	47,270,717	
Mileage of empty freight cars—South or west.....	31,454,583	
Average number of freight cars in train.....	19.01	
Average number of loaded cars in train.....	13.07	
Average number of empty cars in train.....	5.04	
Average number of tons of freight in train.....	134.01	
Average number of tons of freight in each loaded car..	9.08	

FREIGHT TRAFFIC MOVEMENT—STATE OF NORTH DAKOTA—PROPORTIONAL.

[Company's Material Excluded.]

Commodity.	Freight Orig- inating on this Road. Whole Tons.	Freight Rec'd from Connect- ing Roads and Other Carriers Whole Tons	Total Freight Tonnage.	
			Whole Tons	Per Cent.
Products of Agriculture—				
Grain	1,019	15	1,084	45.71
Flour.....	15		15	.66
Other mill products.....	10	108	118	5.22
Fruit and vegetables.....	126	6	182	5.84
Products of Animals—				
Live stock.....	176		176	7.78
Poultry, game and fish.....	64		64	2.88
Hides and leather.....	2		2	.09
Products of Mines—				
Anthracite coal		68	68	2.79
Bituminous coal.....		126	126	5.57
Products of Forest—				
Lumber.....	171	22	198	8.58
Manufactures—				
Petroleum and other oils.....		10	10	.44
Iron and steel rails		1	1	.04
Other castings and machinery.....	15		15	.66
Agricultural implements.....	7		7	.31
Wagons, carriages, tools, etc.....	28		28	1.02
Household goods and furniture.....	106	2	108	4.78
Merchandise.....	52	113	165	7.29
Miscellaneous—Other commodities not mentioned above.....		10	10	.44
Total tonnage—North Dakota....	1,786	476	2,262	100.00
Total tonnage, entire line	11,248,025	2,299,471	13,547,496	.....

DESCRIPTION OF EQUIPMENT.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Locomotives—						
Passenger	14	186	186	Westinghouse		
Freight.....	21	508	455	Westinghouse		
Switching	5	154	97	Westinghouse		
Total locomotives..	40	846	738	Westinghouse		
Cars in passenger service—						
First-class passenger cars .....	.....	308	308	Westinghouse	305 Miller	and 3 Schroyer.
Second-class passenger cars .....	.....	28	28	Westinghouse	28	Miller.
Combination passenger cars .....	.....	40	49	Westinghouse	49	Miller.
Dining cars .....	.....	9	9	Westinghouse	6 Miller	and 3 Schroyer.
Parlor cars .....	.....	11	11	Westinghouse	5 Schroyer	and 6 Miller.
Baggage, express and postal cars .....	.....	145	145	Westinghouse	4 Schroyer	and 141 Miller.
Other cars in passenger service.....	.....	29	29	Westinghouse	29	Miller.
Total .....	.....	579	579	Westinghouse	579	
Cars in freight service—						
Box cars .....	.....	14,460	1,185	Westinghouse	542 Janney	and 384 Chicago.
Fiat cars	90	2,296	.....	.....	300	Chicago.
Stock cars .....	.....	1,861	.....	.....

DESCRIPTION OF EQUIPMENT—Continued.

Item.	Number Added During Year.	Total Number at End of Year.	Equipped with Train Brake.		Equipment Fitted with Auto- matic Coupler.	
			Number.	Kind.	Number.	Kind.
Coal cars.....	.....	1,960	.....	.....	26	Chicago.
Refrigerator cars.....	74	280	90	Westinghouse	100	Chicago.
Other cars (iron ore).....	* 452	4,199	2,057	Westinghouse	255 Chicago, 1,810 Janney.	
Total	* 279	25,005	3,352	Westinghouse	3,427	
Cars in company's service—						
Derrick and wrecking cars	1	80	5	Westinghouse		
Caboose cars.. ..	.....	451	.....	Westinghouse		
Other road cars.....	.....	125	.....	.....
Officers and paymasters' cars .....	.....	8	8	Westinghouse	3 Schroyer	5 Miller.
Rotary steam snow plows.....	.....	2	.....	.....
Total	1	616	13	.....	8	
Cars contributed to fast freight line service.....	.....	480	.....	.....
Total cars owned.....	* 278	26,080	3,924	.....	4,014	
Grand total cars	* 278	26,680	3,924	.....	4,014	

MILEAGE.

MILEAGE OPERATED.

Line in Use.	Line Represented by Capital Stock.		Line of Proprietary Companies.	Line Operated Under Lease.	Line Operated Under Trackage Rights.	Total Mileage Operated.	New Line Constructed During Year.	Rails, not including rails in track operated under trackage rights.	
	Main Line.	Branches and Spurs.						Iron.	Steel.
Miles of single track.....	1,458 15	1,031.43	1,188.47	.....	.47	4,278.54	22.69	474.61	2,796.46
Miles of second track.....	175.44	29.29	.....	.....	.....	294.73	67.03	.....	204.73
Miles of third track.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Miles of connecting track.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Miles of yard track and sidings.....	*664.78	.....	133.25	.....	4.57	1,112.60	89.17	875.73	732.90
Total mileage operated (all tracks).....	2,558 37	1,060.74	1,341.72	.....	5 04	5,590 87	178.88	850 34	4,735.49

*Includes sidings on branches and spurs represented by capital stock.

MILEAGE OF LINE BY STATES AND TERRITORIES.

MILEAGE OPERATED.

State or Territory.	Line Represented by Capital Stock.		Line of Proprietary Companies.	New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Line Operated Under Trackage Rights.	Rails, not including rails in track operated under trackage rights.	
	Main Line.	Branches and Spurs.					Iron.	Steel.
Illinois.....	400.21	198.76	.....	7.69	598.97	.....	25.78	598.19
Wisconsin	546.50	883.96	16.06	.....	946.55	.....	51.48	885.07
Michigan	153.19	243.36	.....	15.60	896.55	.47	100.55	296.00
Iowa.....	853.12	810.00	.....	.....	1,163.12	.....	109.97	1,053.15
Minnesota .....	.13	.84	414.00	.....	414.47	.....	62.23	352.25
South Dakota .....	.....	.....	744.13	.....	744.13	.....	124.61	619.52
North Dakota .....	.....	.....	14.28	.....	14.28	.....	.....	14.28
Total mileage operated (single track).....	1,453.15	1,661.46	1,188.47	26.69	4,273.07	.47	474.61	3,798.46

MILEAGE OF LINE BY STATES AND TERRITORIES.
MILEAGE OWNED.

State or Territory.	Line Represented by Capital Stock.		New Line Constructed During Year.	Total Mileage, Excluding Trackage Rights.	Rails, not including rails in track operated under trackage rights.	
	Main Line.	Branches and Spurs.			Iron.	Steel.
Illinois	400 21	193.76	7.89	593.97	23.78	568.19
Wisconsin	546.50	833.99	.....	980.49	51.48	879.01
Michigan	153.19	243.36	15.00	396.55	100.55	296.00
Iowa	333.12	810.03	.....	1,163.12	109.97	1,053.15
Minnesota .....	.13	.34	.....	.47	.....	.47
Total mileage owned (single track)	1,453.15	1,631.45	22.89	3,084.60	287.78	2,796.82

RENEWALS OF RAILS AND TIES—STATE OF NORTH DAKOTA.

New Rails Laid During Year.				New Ties Laid During Year.		
Kind.	Tons.	Weight Per Yard.	Average Price per Ton at Distributing Point.	Kind.	No.	Average Price at Distribut'g Point.
Iron .....	.....	.....	.....	Oak	390	.55
.....	.....	.....	.....	Cedar, hemlock, ash & elm	743	.31
Total Iron..	.....	.....	.....	.....	1,132	.39
Steel	6,414	.....	\$ 31 95	.....	.....	.....
Total Steel..	6,414	.....	\$ 31 95	.....	.....	.....

CONSUMPTION OF FUEL BY LOCOMOTIVES — STATE OF NORTH DAKOTA.

Locomotives.	Coal, Tons—Bituminous.	Wood—Cords.		Total Fuel Consumed Tons.	Miles Run	Average Pounds Consumed per Mile.
		Hard.	Soft.			
Passenger	207	None.	10	213	7,042	60.20
Freight.....	82		4	84	2,348	71.55
Switching ...	20		2	21	955	48.98
Construction	3		1	3½	120	58.33
Total	312	.....	17	329½	10,465	61.25
Average cost at distributing point	\$1 75 7/8	.....	\$ 2 42	.....	.....	.....

CHARACTERISTICS OF ROAD—ENTIRE LINE.

GALENA DIVISION.

Working Divisions or Branches.			Alignment.		Profile.							
From—	To—	Miles.	Number of Curves.	Aggre- gate Lgth of Curved Line. Miles.	Length of Straight Line. Miles.	Length of Level Line. Miles.	Number	Sum of Ascents. Feet.	Aggre- gate Lgth of As- cending Grades. Miles.	Number	Sum of Descents Feet.	Aggre- gate Lgth of De- scending Grades. Miles.
Chicago.....	Mississippi River...	137.00	49	19.08	117.97	14.53	86	1,108.8	61.57	89	1,108.9	60.91
Chicago.....	Freeport	121.00	67	20.86	100.14	5.73	42	776.2	53.14	47	616.3	62.14
St. Charles.....	Aurora	11.80	26	4.86	6.94	3.42	6	100.6	2.57	8	151.5	5.81
Cortland	Sycamore	4.61	3	.50	4.14	2.00	4	10.0	1.64	3	5.0	1.00
Elgin	Williams Bay.....	51.04	51	17.00	34.04	5.00	24	600.0	30.00	16	368.0	16.04
Belvidere	Spring Valley.....	75.78	28	8.48	67.30	24.51	27	370.4	16.76	33	603.3	34.51
So. Br. Junction.....	Chicago River.....	4.50	7	1.00	3.50	4.00	.....	.....	.....	2	5.0	0.50
Total		405.76	280	71.73	334.03	59.17	189	2,966.0	165.63	198	2,948.0	180.91

IOWA DIVISION.

From—	To—	Miles.	Number of Curves.	Aggre- gate Lgth of Curved Line.	Length of Straight Line.	Length of Level Line.	Number	Sum of Ascents.	Aggre- gate Lgth of As- cending Grades.	Number	Sum of Descents	Aggre- gate Lgth of De- scending Grades.
				Miles.	Miles.	Miles.		Feet.	Miles.		Feet.	Miles.
Mississippi River..	Council Bluffs	354.00	289	59.61	294.39	84.40	102	315.50	147.69	173	3,000.0	122.00
Clinton	Anamosa	73.57	126	21.31	52.26	19.87	59	1,111.0	30.50	45	920.0	28.20
Des Moines,	Jc. N. I. Div. Jewell	57.94	46	7.48	49.86	15.23	43	882.0	25.26	34	524.0	16.86

CHARACTERISTICS OF ROAD—ENTIRE LINE—Continued.

Working Divisions or Branches.			Alignment.			Profile.						
			Number of Curves.	Aggre- gate Lgth of Curved Line. Miles.	Length of Straight Line. Miles.	Ascending Grades.			Descending Grades.			
						Number	Sum of Ascents. Feet.	Aggre- gate Lgth of As- cending Grades. Miles.	Number	Sum of Descents Feet.	Aggre- gate Lgth of De- scending Grades. Miles.	
From—	To—	Miles.										
Stanwood.....	Tipton.....	8.50	0	6.09	2.40	12	180.6	3.80	9	140.0	2.50	
Belle Plaine.....	Muchhakinock.....	64.00	109	28.18	35.82	21	1,041.0	28.20	28	1,108.0	31.50	
Carroll.....	Kirkman.....	24.81	42	9.40	25.41	8	319.6	8.30	22	368.0	22.60	
Manning.....	Auduton.....	17.00	24	5.81	11.19	7	202.0	6.20	8	227.0	4.80	
Cedar Rapids.....	Cut-off.....	5.98	1	.49	5.47	3	23.4	2.01	4	18.7	1.26	
Boone.....	Coal Banks.....	3.25	4	.91	2.34	3	20.0	.60	5	93.0	2.00	
Total.....		618.43	596	189.19	479.24	318	6,888.4	247.47	328	6,888.7	226.31	

NORTHERN IOWA DIVISION.												
Tama.....	Elmore.....	164.56	92	27.75	136.81	36.27	92	1,780.7	72.09	96	1,431.1	56.20
Eagle Grove.....	Hawarden.....	145.20	107	42.23	102.98	31.00	96	1,843.6	60.60	94	1,777.4	53.60
Jewell Junction.....	Carnavon.....	73.68	34	8.99	64.78	16.01	44	842.3	23.20	34	641.4	25.47
Maple River Junction	Onawa.....	80.85	73	17.79	63.06	21.96	22	386.1	13.31	32	552.0	40.59
Wall Lake.....	Moville.....	49.87	60	15.79	64.08	14.51	38	944.4	26.03	38	1,055.1	35.73

Jc. Des Moines Line.	Jewell Junction.....	1.75	2	0.35	1.20	0.08	2	37.0	0.95	1	21.0	0.72
	Total.....	545.91	308	113.00	432.91	119.83	294	5,724.1	213.78	294	5,478.0	212.31

MADISON DIVISION.

Belvidere	Winona	227.00	231	51.91	175.09	54.89	139	2,665.8	89.37	120	2,788.6	88.04
Evansville.....	Janesville	15.68	8	1.97	13.71	3.83	6	58.1	3.37	5	148.5	8.48
Afton	Janesville	6.10	10	1.69	4.41	2.24	3	71.0	2.43	3	26.0	1.33
Winona Junction....	La Crosse.....	3.96	7	1.08	2.98	0.97	1	23.2	1.61	2	12.5	1.33
Galena.....	Woodman	73.84	208	26.00	50.84	13.44	102	1,198.3	84.94	105	1,181.4	23.46
Ipswich.....	Platteville	4.00	7	1.42	2.58	1.06	4	34.0	0.53	5	159.0	2.89
Lancaster Junction...	Lancaster.....	12.04	28	3.00	9.04	2.54	15	130.0	5.23	16	177.0	4.27
Milwaukee	Montfort Junction..	140.88	172	35.40	105.48	19.61	56	2,093.4	64.54	82	1,473.6	56.73
Trempealeau.....	Galesville.....	6.71	6	0.91	5.80	2.11	5	43.0	2.16	5	63.0	3.44
Valley Junction.....	Necedah.....	16.06	7	1.13	14.93	4.65	9	46.8	4.83	13	64.8	6.53
	Total.....	509.27	684	124.46	334.81	104.84	370	6,413.6	209.33	356	6,099.4	135.10

WINONA & ST. PETER DIVISION.

Winona	Watertown	322.98	169	46.65	276.33	90.36	232	4,334.0	129.37	224	3,254.5	103.15
Plainview Junction...	Plainview.....	15.01	20	3.59	11.42	3.01	6	106.0	4.10	8	273.0	7.90
Chatfield Junction...	Chatfield.....	11.46	22	2.79	8.67	0.76	6	52.0	2.10	6	330.0	8.60
Rochester	Zumbrota.....	24.48	26	6.18	18.30	3.13	13	413.0	11.20	12	439.0	10.10
Mankato Junction....	Mankato.....	3.75	4	1.53	2.22	1.12	.....	.....	.....	2	123.0	2.63
Sleepy Eye.....	Redwood Falls	24.40	3	0.97	23.43	8.40	19	142.0	9.00	15	124.0	7.00

CHARACTERISTICS OF ROAD—ENTIRE LINE—Continued.

Working Divisions or Branches.		Alignment.			Profile.					
		Number of Curves.	Aggre- gate Length of Curved Line.	Length of Level Line.	Ascending Grades.			Descending Grades.		
					Number	Sum of Ascenda.	Aggre- gate Length of As- cending Grades.	Number	Sum of Descents Feet.	Aggre- gate Length of De- scending Grades. Miles.
From—	To—	Miles.	Miles.	Miles.		Feet.	Miles.			
Tracy	Minn. State Line..	40.40	9.19	37.21	32	719.0	24.70	27	337.0	13.10
	Total	448.48	70.90	377.58	328	5,331.0	130.67	294	4,933.5	152.46

DAKOTA DIVISION.

Minnesota State Line	Pierre	209.11	13.81	195.30	120	1,638.2	78.67	125	1,994.2	81.80
James Valley Junction	Oakes	131.95	5.26	126.69	78	391.3	37.86	75	336.7	33.30
Watertown	Gettysburgh	146.25	12.98	133.27	133	1,638.5	50.30	178	1,275.4	36.61
Watertown Junction.	Watertown	43.83	3.50	40.33	24	109.0	25.63	10	84.5	4.73
Doland	Groton	36.84	0.86	37.96	21	94.5	10.43	21	127.5	12.33
Iroquois	Hawarden	125.40	11.71	113.73	59	944.5	49.33	56	1,163.1	49.26
Centerville	Yankton	29.46	3.35	25.11	11	279.2	14.20	7	291.0	9.75
	Total	725.93	51.47	672.46	496	5,235.2	267.47	472	5,261.4	227.37

WISCONSIN DIVISION.

Chicago	242.20	50	70.00	172.20	32.80	66	1,040.0	98.80	70	1,780.0	110.60
Appleton	3.63	21	1.53	2.10	1.88	2	15.0	0.50	3	50.0	1.75
Kenosha	72.10	70	60.00	12.10	10.00	45	200.0	35.00	40	150.0	27.10
Chicago	147.63	88	19.86	127.77	23.13	68	1,390.4	69.20	65	1,212.2	55.30
Sheboygan	78.40	77	13.85	64.55	15.91	38	1,045.1	37.80	38	764.2	24.69
W. Chicago Shops ..	5.20	6	1.06	4.11	3.82	2	8.0	1.38	.....	.....	.....
Montrose	7.69	5	0.60	7.09	2.63	3	6.1	0.76	3	15.8	4.30
North Evanston...											
Total	556.85	317	166.93	389.92	89.67	224	4,344.6	243.44	219	4,072.2	223.74

PENINSULA DIVISION.

Fort Howard	202.64	120	29.78	172.91	53.14	112	1,948.0	98.81	96	1,033.0	59.69
Clowry	10.44	8	2.00	8.44	4.54	5	72.0	3.35	4	45.5	2.55
Wabig	1.23	4	0.76	0.47	0.21	1	85.0	1.02	.....	.....	.....
Powers	58.77	67	17.96	40.81	8.90	25	1,070.8	23.81	21	583.0	21.06
Stager	54.66	60	17.92	36.74	14.33	33	715.2	24.69	29	437.2	15.64
Narenta	34.86	18	3.85	31.01	3.56	26	665.0	22.50	18	218.0	8.80
Branches	101.64	228	28.38	74.91	17.98	88	1,522.0	33.39	60	740.0	48.47
Total	464.44	505	99.15	385.29	102.66	290	6,078.0	205.57	228	3,656.7	156.21

° Estimated.

CHARACTERISTICS OF ROAD—STATE OF NORTH DAKOTA.

BRIDGES, TRETTLES, TUNNELS, ETC.

Item.	Number.	Aggregate Length.	Minimum Length.	Maximum Length.
		Feet.	Feet.	Feet.
Trestles.....	7	288	16	96

Gauge of track, 4 feet 8½ inches; 14.28 miles.

TELEGRAPH.

OWNED BY ANOTHER COMPANY, BUT LOCATED ON PROPERTY OF ROAD MAKING THIS REPORT.

Miles of line, 1,500; miles of wire, 1,500; name of owner, Western Union Telegraph company; name of operating company, Western Union Telegraph company, also by Chicago & Northwestern Railway for company's business only.

CAR MILEAGE.

Individuals, co-operative fast freight lines, and stock companies to which the company making this report pays mileage for the use of cars.

American Tank Line,
 Arms Palace Horse Car company,
 Anglo-American Packing company,
 American Refrigerator Transit company,
 Ames Coal Transportation company,
 Armour Refrigerator Car company,
 American Cotton Oil company,
 Atlanta S. C. & L. L.
 Abernathy Furniture company.
 Britton, D. W.
 Barrett & Barrett,
 Brill, J. G.
 Burton Stock Car company.
 Blue Line Transit company,
 J. I. Case Threshing Machine company,
 Cupples, S. W. W. company,
 Crecker Chair company,
 Cleveland Refining company,
 Canda Cattle Car company,
 Chicago Car & C. company.
 Crystal Oil Works,
 California Fruit Transportation company,
 Chicago Stock Car company,
 Columbus & Hocking Coal & Iron company,
 Canada Southern Line,
 Cudahy Refrigerator Car Line,
 Cudahy Milwaukee Refrigerator line,
 Chicago Refrigerator Car company,
 Canadian Pacific Despatch,
 J. Dold & Son, dressed beef line,
 Deer Lake Furniture company,
 J. W. Ellsworth & Co.,
 Eagle Consolidated Refining company,
 Empire Oil Works,
 Empire Line,
 Excelsior Oil company,
 Erie Despatch,
 Frazer Lubricating company,
 Grossman, P. H. C. company,
 Goodell Refrigerator company,
 Green Line Tank company,
 G. B. Hodgman Manufacturing company,
 C. B. Havens & Co.,
 Hammond Refrigerator company,
 International Oil Works,
 Independent Refrigerator company.
 Inter-State Transit company,
 Iron Car Express Line,
 International Packing company,

Live Poultry Trans. company,
 M. & H. Zinc company,
 Mattoon Manufacturing company,
 Monasha Woodware company,
 Mather Stock Car Line,
 Morris, N. & Co.,
 Mer. & Morgan P. company,
 A. D. Miller & Sons,
 Mann Brothers,
 Midland Line,
 Merchants' Despatch Transportation company,
 Manhattan Oil company,
 N. K. Fairbank & Co.,
 National Linseed Oil company,
 National Oil company,
 National Fur. company,
 National Despatch Line,
 N. Y. & Cleveland G. Coal company,
 Omaha Packing company,
 O. & W. Coal & Iron company,
 Pennsylvania Refining company,
 Paine Lumber company,
 Pitts. & Lake Sup. I. company,
 Pabst Brewing company,
 Rend, W. P.
 W. P. Rend & Co.,
 Racine Wagon & Carriage company,
 Richardson Brothers,
 Rumely, M. & Co.
 Ramage, S. Y.
 Street's Western Stable Car Line,
 Sheboygan Chair company,
 Swift Refrigerator Car company,
 St. Louis Refrigerator Car company,
 St. Charles Car company,
 Silberhorn Company,
 Southern Despatch Lumber Line,
 Standard Oil company, of Illinois,
 Standard Oil company, of Minnesota,
 Standard Oil company, of Cleveland,
 Southern Iron Car Line,
 Spring Valley Coal company,
 Sun Oil Line company,
 Paragon Refining company,
 A. T. Thatcher,
 Tropical Transportation company,
 Union Tank Line,
 Union Refrigerator Transit company,
 Wisconsin Furniture company,

CAR MILEAGE—*Continued.*

Keystone P. H. C. company,
 Kansas City Dressed Beef Line,
 Kanawha V. R. S. company,
 Lima Oil company,
 Liquid Freight line.

Weaver, Getz & Co.,
 Waverly Oil Works,
 Washington Refining Company,
 Wells, T. E. & Co.,
 White Line.

STATE OF ILLINOIS, }
 COUNTY OF COOK. } ss.

We, the undersigned, M. Hughitt, president, and J. B. Redfield, auditor, of the Chicago & Northwestern Railway company, on our oath do severally say that the foregoing return has been prepared, under our direction, from the original books, papers and records of said company; that we have carefully examined the same, and declare the same to be a complete and correct statement of the business and affairs of said company in respect to each and every matter and thing therein set forth, to the best of our knowledge, information and belief; and we further say that no deductions were made before stating the gross earnings or receipts herein set forth, except those shown in the foregoing accounts; and that the accounts and figures contained in the foregoing return embrace all of the financial operations of said company during the period for which said return is made.

M. HUGHITT,

President.

J. B. REDFIELD,

Auditor.

Subscribed and sworn to before me this 12th day of September, 1891.

J. F. CLEVELAND,

Notary Public.

[SEAL.]

REPORTS
OF THE
DIFFERENT COMMISSIONERS,
WAREHOUSE REGISTRAR
AND
Chief Inspector of Grain.

REPORT OF COMMISSIONERS WALSH AND SLOTTEN
ON THEIR VISIT TO THE ANNUAL CONVENTION
OF RAILROAD COMMISSIONERS OF THE UNITED
STATES.

*To the Board of Commissioners of Railroads of the State of
North Dakota :*

GENTLEMEN :—The undersigned commissioners of railroads of the State of North Dakota, having, in obedience to the order of this board, and by direction of the Governor, attended the third annual convention of the railroad commissioners of the United States, held at Washington, D. C., on the 3d and 4th days of March, 1891, respectfully report, that we have attended the said convention, as ordered by the board, and as directed by the Governor; that we have carefully observed, noted the proceedings of the said convention, and the views of the various members thereof, as presented and discussed therein; and by reason of such observations and notes, and the matters and things discussed before us, do desire that the Governor, in his biennial message to the legislature of the state of North Dakota, recommend that we deem it expedient that the laws of this State governing railroads should be in exact harmony with the provisions of the interstate commerce act on the following topics, so far as the same may be applicable to our limited local jurisdiction: The definition and prohibition of unjust discrimination; the prohibition of undue and unreasonable preferences and advantages; the requirement of equal facilities for the interchange of traffic; the regulation of the relations between rates of compensation to be allowed for long and short hauls; the regulations as to the printing and posting of rates, fares and charges; the regulations as to notice to be given of advances and reductions in rates; the penalties for false billing, false classification, false weighing, etc.

And that, as all the railroad lines operated in the State of North Dakota begin and terminate outside the limits of the State all legislation looking to the establishing of uniformity in the matter of driving-wheel brakes and apparatus for train brakes on locomotives, and train brakes upon cars, and couplers and drawbars, should be by congress, either directly by law or indirectly through the instrumentality of the interstate commerce commis-

sion, and that the legislature be requested to memorialize congress for that purpose.

We think that railroads are useful and necessary institutions; they are agencies of the State, it is true, but the State would not be benefitted by striking them down or crippling them so as to prevent their accomplishing the ends for which they are constructed. When we take into consideration the fact that under the laws of the United States 165,000 miles of railroad have been constructed in the United States—2,084.74 of which are in the state of North Dakota—with a capital invested of \$5,000,000,000, and an indebtedness of \$10,000,000,000 more, and that the capitalization and mileage of railroads are doubling almost every ten years, and every year the tendency to the consolidation of this enormous capital increases, and if it were free from the restraint of legislative control, the few who represent these vast amounts of aggregated capital might, by an increase of rates, levy tribute upon the commerce, agriculture and travel of the country—additional to that now exacted; larger than the total income of the government of the United States, raised for all purposes. Such power in the hands of ambitious and unscrupulous men might be dangerous. Therefore, the right to control is based, not only on the principle of sound public policy, but upon the deeper foundation of public necessity. But, the power to regulate should not be construed into the power to destroy, and as railroads are necessary factors in the building up of great states we would recommend that a moderate course be pursued toward them, and that more railroads be invited to invade our broad domain—for competition will do more to reduce freight and passenger rates than legislative enactment.

There were present at said convention seventy persons—representing the interstate commerce commission and the states of Connecticut, Florida, Illinois, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia and Wisconsin; also, the Switchmen's Mutual Aid association of North America, the Consolidated Car Heating company and the Association of American Railway Accounting Officers and the press.

The admirable opening address of the chairman of said convention, the Hon. Thomas M. Cooley, so fully sets forth the objects and purposes of these meetings; the work accomplished, and that hoped for—that we have thought it of enough importance to all who may have interest in this report to warrant its publication in connection herewith, and we are of the opinion that the interests of our State demand that it should be represented at these national annual conventions.

GEORGE H. WALSH,
ANDREW SLOTTEN.

Dated this 24th day of May, 1891.

ADDRESS OF CHAIRMAN COOLEY.

GENTLEMEN OF THE CONVENTION: Our purpose in coming together on this occasion is for consultation upon subjects of mutual interest, and for the discussion of questions which either pertain directly to the official duties we have severally taken upon ourselves, or which at least have some bearing upon the proper performance of those duties. We are not all clothed with the same powers; there has not been prescribed for all of us the like obligations; but in our official action we all have the same general purpose in contemplation, and it may justly be assumed that the views we may severally hold will be of common interest, and that in so far as there has been experience in dealing with practical questions, this experience will be not interesting merely, but of high value.

It has been assumed by the people in creating the offices which are represented in this meeting, that there are mischiefs, of some considerable magnitude, in the railroad service of the country; and the existence of these mischiefs is the justification for creating such offices. No class of persons in the country will admit more freely the existence of serious evils than those who are managers of the railroads or who are interested as stockholders or bondholders in the results of the management; but as this class look upon the existing evils from the standpoint of corporate interest, they are likely to see them as they exist mostly in the relations between the roads themselves, while the public, regarding them from a different standpoint, naturally see most distinctly the mischiefs which spring from the relations of the railroads to their customers or which affect the political society.

When the legislation which was intended to bring the transportation business of the country under public control was first entered upon, there were persons interested as managers or otherwise in railroad property, and possibly some others, who denied that any such legislation was fairly warranted by just principles of constitutional law. This denial is not often heard now, but it is very generally conceded that inasmuch as the railway is a public agency, its management is a public trust; and that as such it is as legitimately to be regulated by law as is the management of any other trust in which the public is directly concerned. There are doubtless still some persons, however, who believe that in point of policy, public regulation was uncalled for at the time it was entered upon, and that the results will not justify the expectations upon which the legislation hitherto adopted has been based. This last proposition I do not see that this convention need care to controvert. It is likely to be the case with all attempts at important reforms in public affairs, that the results will not equal the antecedent expectations; and one of the consequences must be that those who are officially connected with the effort will be com-

pelled to share among them, to some extent, the blame that inevitably follows the impossibility of giving complete satisfaction to extravagant hopes.

Whether the views of those who have not favored public regulation of railways are or are not justified by the situation, or by the prospects for the future, it seems to be taken for granted now that statutes for the purpose are likely to have a place among the laws for an indefinite period; though to what extent they shall go in regulation, and how far they may justly and properly subordinate the interests of stockholders and bondholders to the rights and convenience of the general public, are questions upon which the differences of opinion are not likely to be reconciled, and may be expected to be hereafter, as they are now, somewhat radical. There are many who believe that the government should not regulate merely, but should manage the roads; that its hand should be felt continuously and everywhere; while others look upon the existing legislation as having gone quite as far as can be justified by the expectation of useful results. Others, holding views differing from both these classes, might be mentioned, but it is not important; the future alone, after much more practical experience than the country has had as yet, will determine which of them, if indeed any, are right in their anticipations and prophecies. For our present purpose it is sufficient for us to say, that it is agreed on all hands by those who undertake to deal with the subject of railway regulation, that there are many evils here which ought to be remedied; and whoever speaks of these evils is likely in general terms to talk of a "railroad problem" to be solved: those interested in the roads for the reason already mentioned appearing to look for it mainly in the relations between the roads themselves, while others regard it as existing somewhere in the defective performance by the roads of their public duties, and therefore, perhaps to be solved through the exercise of such governmental power as shall compel proper performance.

It is a noticeable fact that when this railroad problem is spoken of, the mention is likely to be vague and indefinite, whether it is receiving attention at the hands of those representing the roads or from those who speak in the interests of political economy, or as representing the public authorities. If a legal discussion is being had, however narrow may be the point involved, the parties are not unlikely to make use of this phrase "railroad problem," as if a decision upon the matter then in controversy was to solve the problem, or at least was to dispose of some portion or lead up to some final solution. This same phrase may be used in the very next controversy, though equally narrow, but quite different, and the same expectation of the result may seem to be in the minds of those who represent the contestants. When, however, public authorities are making use of a phrase which pertains to their official duties, and which to the mind of the hearer may

seem to indicate their understanding of what their jurisdiction is, in part or in whole, it is important that they employ the phrase with some degree of exactitude; and perhaps no better use can be made of the opening hour of our meeting than to devote it to an endeavor to ascertain precisely what it is that is meant by the "railroad problem," not merely when it is used by ourselves, but also when it is used by those who are connected directly with railroad management. In doing this, however, we shall be under the necessity of going beyond the terms employed in the several acts of legislation under which we are acting, for in none of them is this phrase defined; the laws point out the scope of our duties, and it is easy to see that many of these are of minor importance and stand by themselves, so that they cannot be considered with reason as constituting a part of any great problem; while the evils at which others are aimed may possibly be traced to a common source, and the correction of one through the proper treatment of that common source, may be a correction of the others also. Certainly nothing can fairly be dignified with the appellation of "railroad problem" which does not concern the foundation cause or causes of the principal evils which in the railroad service beget injury or annoyance and excite complaint.

In an attempt to ascertain what the railroad problem (treating the designation in the sense indicated) must be held to be, it may be well at first to point out what it is not; and this I shall now proceed to do.

It is certainly not to be found in the legislation authorizing the building of railroads, or in that which prescribes the terms and conditions under which the building shall be carried on and completed. It is unfortunate, no doubt, that the laws for this purpose are so wanting in homogeneity, and in provisions for the protection against the mischiefs with which the exercise of such important powers, when they may be assumed by any one at discretion, are likely to be attended. The authority comes in the main from the legislation of the states and territories; and if we examine these we shall find that apparently the most important object in the minds of the law-makers in granting charters of incorporation for railroads, or in passing general laws which shall stand in the place of such charters, has been to invite and secure the construction; to invite capitalists, or others who can secure capital by whatever means for the purpose, to expend it to that end; and that with this object in view they have been far more anxious to make their legislation satisfactory to the promoters of roads than they have been to take care to satisfy themselves that the building of a particular road is important on public grounds, or that the road when constructed will, in the service it will perform, meet a public demand. In every section of the country, instances may be pointed out of roads which have been built without any legitimate demand for them whatever, so that the money invested in

them has for the most part been as completely wasted as if it had been sunk in the sea. Either there has been no sufficient traffic that at fair rates would support them when built and keep them in suitable condition, or the traffic of the region which must support them was already so far provided for that a new road could only come in as a disturbing factor, to render those already in existence unprofitable, or to force itself upon them as a marketable commodity under circumstances which could be considered as little less than the levying of blackmail. There is reason for saying that when the interest of the whole country is considered, it would be better if the necessity or propriety of every proposed new road were required to be passed upon by competent public authority before the State should delegate to any one the eminent domain to be employed for its construction; but this is not now required, and under existing laws, a new railway project is in very many cases little more than a mere demand by mercenary speculators upon the credulity of the public, who, understanding very little about the elements that must constitute railroad prosperity, are ready enough to believe that riches are to be found in any plausible scheme that projectors put before them. In some instances, we feel warranted in saying that the building of a road is entered upon with a full understanding, by those who plan and manage the construction, that the road itself, when complete, can have no value to stockholders except as a means of forcing the owners of roads already in existence and performing valuable service to the country, to pay for that which has no intrinsic value, a price measured by its power to do mischief.

There is an evil here which is of no small magnitude; it may be measured in part by the millions which credulous people, often people of very small means, have invested in worthless roads, but in part also by other millions which have been paid for roads which even those who built them knew were not called for. Nevertheless, the great mass of the people of the country are only indirectly injured by the construction of such roads. The roads do not go out of existence, even though it be fully demonstrated they ought never to have been built; every one of them has local communities more or less numerous for which it performs convenient service; they come into business relations with the other roads of the country; their operations are likely to be conducted in the same methods as those of other roads; and the great railway questions which concern and disturb the public, as well as those which trouble the railroad world, are likely to remain the same and to require the same discussion and demand the same final settlement as would have been essential if these needless roads had never been constructed.

The "railroad problem" is also not to be found in the condition in which the roads may be put by their projectors or managers, or the manner in which they are equipped for the purposes of

operation. A road in bad condition is likely, for that reason, to cause great annoyance to the general public and to its customers. It may result in great delays and possibly in the loss of life as well as of property; a road badly equipped may also, for that cause, be of little or no service to the community; it may possibly be even detrimental, as standing in the way of something better. But commonly the difficulties which are found to arise from these deficiencies in construction or equipment are of a minor character and do not to any great extent affect the general public. They certainly do not rise to the dignity of being considered the "railroad problem" of the age. Neither are they likely to any very great extent to affect the relations of the roads with each other; and we must therefore assume that the problem which we are endeavoring to indicate and define would exist in nearly the same force as now were these deficiencies entirely cured; if, in other words, every road was in perfect condition and was fully equipped for any business likely to be offered to it. In point of fact, if we examine the roads of the country, we are not unlikely to be led to the conclusion that the equipment of roads may also go beyond any just demand that business makes upon it, as well as fall short of the proper business necessity. This is especially the case with the preparation made for passenger service, since the earnest and somewhat bitter competition that has existed between the leading lines of the country has begotten an extravagance in equipment which presents us the spectacle of palaces moving on wheels across the continent and inviting the traveling public, when upon journeys which, but a few years ago, could only be made under circumstances of great hardship and privation, to a participation now in comforts and even luxuries which in the case of most of them are quite beyond their ordinary life at home. But this causes no complaint; the railroad company voluntarily supplies the luxuries and the traveling public voluntarily pay for and enjoy them.

If the freight traffic is not provided for bountifully and extravagantly, it is but just to say for the roads that deficiencies are not often serious, and when they are met with are usually found to exist in the case of roads which have come into existence under circumstances of doubtful expediency, and which since their construction have been unable to command the business that would secure and keep up their adequate equipment. But any amount of imperfection in these particulars will at most only touch upon outlying questions affecting slightly the railroad problem and not the main problem itself.

The relations between the railroad corporations and their employes do not present the "railroad problem" that is troubling the country. We may say this with great confidence, because neither the corporations themselves nor their employes seem to take a different view, and because also most of the laws which undertake to provide for the regulation of railways do not confer

upon the authorities which they create for the purpose any jurisdiction over these relations. It is no doubt true that the public authorities might with entire propriety take them somewhat under consideration, since it not infrequently happens that the just performance of their own duties is impeded, or to some extent, at least, disturbed by the disputes which arise in railroad service, and by the controversies which sometimes injuriously affect public transportation in considerable sections of the country. It might not only be admissible, but important, and even a matter of duty, that in some cases railroad commissions should recommend legislation bearing upon these relations; legislation, for example, in regard to the use of machinery better calculated to protect employes against injury or loss of life; and legislation that would tend to lessen the injurious consequences of disturbances that arise over the question of wages, or of the unjust discharge of faithful servants. Possibly, also, it might be, if not strictly within their province, certainly not foreign to their duties, to recommend to the railroads of the country and to the employes the adoption of some system of insurance, under which either the railroad companies or the employes themselves, by some general rule of voluntary adoption, should provide a fund for the protection of families against the evils of poverty and destitution, especially in cases of accident resulting in death or in inability to perform labor. But whatever may be done on this subject, the fact would remain that after all that was possible had been considered and provided for by the parties to this service in regard thereto, the great railroad problem would still remain unsolved, and still demanding the best attention of railroad managers and of the public authorities. The relation of employer and employe touches it but lightly; and even on occasions when strikes affect the business of large sections of the country, so as to seem for the time being to make the relation between the strikers and their employers more important than anything else in those sections, yet they are seldom of such magnitude that the business of the country at large is seriously disturbed, and they are seldom of long continuance; so that if they constituted the only difficulties in railway service, the mischiefs which are felt on all hands would be far less serious than now; and it can scarcely be doubted that they would find speedy and satisfactory solution.

The "railroad problem" is not to be found, exclusively at least, in the diversities which exist between the legislation of the several states when compared with each other, or between the same legislation when compared with that of the federal government. These diversities necessarily aggravate the existing difficulties and constitute obstacles in the way of the speedy and effectual removal of some of the worst in which the general public is concerned; but the difficulties existing in the relations between the roads themselves are affected but slightly by differences in

legislation. Remove these, and the clashing of interests between the roads will be the same as now; the temptation to unfriendly action for the very purpose of inflicting injury upon rivals, or of embarrassing their operations with a view to forcing what cannot be accomplished by negotiation, will be as strong as ever. I need not enlarge upon this, for it is obvious; and so long as the fact is as stated the railroad problem must remain, whatever may be the laws that state or territory or nation may have passed and enforced in mitigation of the evils.

The "railroad problem" is not to be found altogether in the fact that railroad rates are supposed by the public to be, in a great many cases much too high; or that there is unlawful discrimination in the transportation of freights and of passengers, and that many persons are carried free who are not entitled to it by law; or that in the cases in which exceptions are made by law to the general rules which are prescribed, the railroad corporations contrive to increase these exceptions in inadmissible or unwise ways to the detriment of their own revenues, or to the increase of the charges that are made against the community in general. The problem, without question, is present here, but not in its entirety. There is no reasonable doubt that railroad charges are often made higher than they should be. This is sometimes made clear on an investigation into the facts, where those who make them are given the amplest opportunity to justify their rates if they can do so. And it may not unjustly be said that they themselves in many cases furnish evidence of more or less conclusive nature that the public complaints are not without foundation; they do so when they cut rates in the warfare with each other to an extent that greatly reduces their annual income and still leaves them in a condition to make respectable dividends to stockholders. They also furnish evidence tending in the same direction when they carry great numbers of persons free of charge; a number which we hope is diminishing from year to year, but which, nevertheless, when the whole country is considered, is still enormous; embracing as it does among the private citizens who are thus favored, not the men of small means to whom the charge of transportation would be a serious burden and must therefore very much restrict their means of indulgence, but the men of large means who, because they are such, have no claim whatever to the favor; embracing also officials of all grades, and especially such as are empowered to make state and municipal laws or regulations bearing upon the subject of railway management. The discredit into which the use of the ordinary evidence of a right to free transportation has fallen is so great, that both the corporations and the persons who receive it deem it politic to resort to other devices, the most frequent, perhaps, being the giving of mileage books; so that a state legislator or city mayor or other officer, when he uses it, may appear to be paying his passage though in fact he is receiving it

free. I need hardly say that the giving the transaction this form does not in any degree relieve it of the discredit which fairly attaches to it, or lessen in the least its moral turpitude; on the contrary, it adds to the main offence of obtaining transportation at the cost of the public, the cowardice of going through the forms of payment, that by this false pretence the offender may cheat his fellow-passengers into the belief that he is doing what a proper regard for the rights of others would require him to do. In some sections of the country the practice here referred to has continued for such a length of time that it seems to be expected by the general public that, as a matter of course, it will be continued indefinitely, and it is therefore believed to be practiced by every successive incumbent of certain offices. Whoever would investigate the sources of political corruption in such sections would do well to inquire to what extent they had their origin in public opinion being debauched by these corrupt practices until at length the grosser forms of political misconduct came to be looked upon as matters of course, and tolerated or excused for that reason.

The manner in which advantage is taken of the exceptions of the statute, in order to avoid charging the regular rates, also has a tendency in the direction of showing that the regular rates are higher than they should be. Thus the statute in forbidding discriminations in passenger carriage makes exceptions for the case of excursions; and how diligent some roads are in finding excuses for excursions in which they are to carry the passengers for a mere fraction of the customary rates is well known to us all. The excuse advanced may be that thereby they create business which would not otherwise come to them; that they gain favor by giving special accommodation to communities or societies at particular times and on special occasions, and so on; but we have a right to assume that they nevertheless expect to make and do, as a general fact, make some profit on every such occasion, except when calamities befall them through the accidents which are much more likely to attend special trains, running on unusual time, than the regular trains. A person investigating the subject, with a view to reaching the underlying reasons for their action, would be very likely to inquire why, instead of manifesting great anxiety to increase the number of occasions for exceptional trains carrying passengers below the regular rates, the company does not make the regular rates as low as can reasonably be afforded, and thereby invite the public to make excursions, not on special occasions merely, but continuously; thus increasing the aggregate passenger traffic, though taking it by the ordinary and safe trains, as the railroads of some foreign countries have done without loss by a similar reduction of rates. The reason for making this inquiry would seem to be specially forcible when it is borne in mind that the exceptional trains that are run at reduced rates furnish to a very considerable extent the opportunities which the

class of people known as scalpers embrace to make great profit out of the railroad companies, and, through them, out of the general public who, in their regular travels, must pay rates which are maintained above what would otherwise be necessary, that those who charge them may not be the losers through the operations of this class of persons.

But if the railroad companies were chargeable with no breach of law or of sound morality, or with want of good policy in the carriage of passengers free, or of either passengers or freight at unjustly discriminating rates, and if they made use of their privileges under the exceptional provisions of the statutes wisely and justly, there would still be the same railroad problem that exists now—not, it is true, accompanied by as many evils as now, but nevertheless demanding solution as it now demands it, only somewhat less importunately.

Many other things in railroad service are causes of annoyance to the public, or tend to break up friendly and useful relations as between the roads themselves, but they may be passed over lightly at this time because they touch but lightly upon the great problem that confronts the public and makes such serious demand upon the best thought of the country. Thus the refusal of one road to unite with another in making convenient arrangements for the transfer of freight or passengers from one line to the other without unnecessary delay; or the making of arrangements with one company which are unjustly discriminating as against another, are seen in some cases to be evils of no slight magnitude; but such cases are not numerous; they are believed to be diminishing in number from year to year; and for the most part they can be dealt with by the public authorities on a consideration of all the facts with no great difficulty.

The troubles that are always present, always annoying, and always difficult of adjustment, are those which relate to the making of rate sheets, and to the manner in which these are observed or treated after they are made. It is here that we discover a problem that is not narrow or temporary, and that does not touch lightly upon the relations between the railroads themselves, but is seen in nearly all their controversies and misunderstandings, and that is the prolific parent of nearly all the difficulties between the railroads and those who have occasion for their services. It is the unjust nature of the rate sheets when the rights of the public or of the roads are considered; it is the refusal to join with other roads in making them, or the demand of an unreasonable share of a joint rate when one is made; it is the sudden reduction in rates when injury can be done to a rival by resorting to that measure, or when it is hoped that the rival can be compelled thereby to give assent to some measure to which assent cannot be obtained by negotiation; it is the refusal to unite in through bills of lading at agreed rates, or to receive for the transportation of persons the

tickets that have been given by other roads; it is the failure to abide by understandings concerning rates when a disregard of them seems to promise a temporary advantage; in short, it is the manner in which this whole subject of making rates is dealt with and treated by the railroad companies, and the effect thereby upon their own interests respectively, the interests of stock and bondholders, and the interests of those who, willingly or unwillingly, are their customers, that present the fundamental and still unsolved problem which must necessarily address itself, first of all to the railroad managers of the country, and after that to the public authorities. The evils in railroad service nearly all find their origin here; and especially is this true of those that are most difficult and inveterate. The railroad problem will be dealt with effectually when the power to fix the rates for railroad transportation is placed upon such a basis that the evils now so prominent and troublesome and persistent, which spring from its exercise, shall be cured and the power itself brought under effectual regulation.

When the number of railroads which are now merely subsidiary to other and stronger lines, either through being brought into the same interest or from being leased or otherwise effectually controlled, are left out of account, there are something like five hundred in this country still remaining, whose boards have the power to make rates for the carriage of passengers and property. These boards are by the law left to exercise in the first instance what is practically a free and unlimited authority in the making of rate sheets. They may make them low or high, just or unreasonably discriminating as between persons and property, or different classes of property, or between different centers of trade, at pleasure; the few instances in which the laws have undertaken to prescribe a precise limit being in the main confined to passenger transportation. The several boards are not obliged to agree with each other as to what the rates shall be; it may be their policy to come to agreement, and it may be assumed that they will recognize this fact and endeavor to come to some understanding in advance; but this is not compulsory; and it not unfrequently happens that a single road will proceed to make rates wholly irrespective of what has been done or proposed by other roads with which it must come into competition or relations of some sort in respect to business. It was at first thought by those who made the laws for the building and management of roads, that to leave the authority thus unrestricted was the best possible condition of things; that it would lead to active competition in rates, of which the general public would have the benefit; that the competition would as a matter of course force the rates down to a reasonable point; in short, that the competition would act precisely as it does in other lines of business. Experience has shown that this idea of railroad competition is a mistaken one; that it cannot be compared

with competition in the channels of commerce in general; that there are no such tests of the value of railroad service as can fix the limit down to which a road may go without inevitable loss upon its business as an aggregate; that it may carry some classes of its business at impolitic, if not in fact at losing rates, and yet make profits upon its whole operations by charging to other classes of its business rates which may perhaps seem to be excessive, and yet cannot be clearly shown to be so because of the absolute impossibility of making distinct apportionment between the cost of the service rendered to one class and that rendered to the other. Indeed, it is now very well known that in many cases where roads are carrying freights at what seem to be no more than reasonable rates, on lines leading directly from one great business center to another, other roads whose lines are of twice the distance in length, may be carrying the like freights at the same or at even less rates, though the expense to them is presumably twice as great. This they do because they are forced to do so by a situation which they find absolutely controlling. The general fact is, that in severe competition between business centers, the very long route carries, not at the same rate merely, but at a lower rate because otherwise it would not get the business to carry. How distinctly is it seen here that it is utterly impossible to judge of railroad competition and its effects, its usefulness and its mischiefs, by comparing it with competition as we encounter it in other lines of business.

We have said that every one of these five hundred operating roads, through its managing officers, may make rate sheets at pleasure. The rates are subject to be changed to some extent afterwards when they are found to be violative of public rights or interests, but the public authorities are not consulted and their consent is not asked as a prerequisite to putting the rate sheets in force. If a rate sheet affected only the road itself and its customers, the fact stated would in a great many cases be of local importance only, and other roads not directly competing with the road making it need not concern themselves specially with its being put in force. But so inextricably are the railroads of the country intermingled in interest; in so many ways do they form routes from business center to business center; from the lakes to the gulf and from ocean to ocean; so easy is it for almost any seemingly unimportant road to be made a part of some direct or indirect route which shall constitute a great channel of commerce, that any considerable change in the rate sheets by any one of these five hundred boards is not only likely to affect the business and the rate sheets of the roads which are its immediate rivals, but to reach out also in its influence from road to road in all directions; not over small neighborhoods, but from state to state, until what seemed to be the action, and was perhaps the hasty and reckless action, of a mere local board may become almost of continental

importance. An ill-advised act, possibly resulting from passion or from a belief that a power to do mischief when thus exercised will compel others to do what they would not otherwise consent to, by way of purchasing peace, may thus carry disorder into the railroad system of a large section of the country, if not into the whole of it, and may compel a change in the rate sheets of all the roads which form the lines competing with those of which the road whose rate sheet causes the disorder is or can be made to become a constituent part.

Now, it need hardly be said in this convention that one of the most important things to be accomplished in the regulation of railroads is to secure steadiness of rates; I do not mean that sort of steadiness that would prevent the gradual reduction of railroad charges as it should be seen to be practicable and just for the railroads to make it; but I mean the sort of steadiness that makes changes only in the proper direction, and when it does make them, does so deliberately, carefully, after consideration of all the interests involved, and after such reasonable notice to the public as well as to the railroad interests, as will enable due provision to be made by others to prevent needless loss and injury therefrom. All sudden changes are necessarily to some extent injurious; they are injurious even though they are made in the direction of lower rates and when as a matter of right they ought to be made in that direction; for they force sudden changes also in the values of property; they affect in unexpected ways contracts made in the commercial world; and they give abundant opportunities for fraudulent understanding as between railroad officials and large dealers; opportunities which the public are certain to suspect are not unfrequently availed of. The law does well when it requires that a notice reasonable in point of time shall be given, not merely of advances in rates, but of reductions also. This is right and proper even when the reductions result from competition properly so called in railroad service; but the sudden cutting of rates is usually an act which can by no proper use of terms be called a result of legitimate competition. Almost invariably it is an act of open and avowed warfare, entered upon not to benefit the public, but to injure a rival line. It differs from the warfare between nations in this, that in the case of international war the effects can commonly be limited for the most part to those who engage in it, while the rate war, on the other hand, injures not merely the parties engaged but possibly to an equal extent other railroads whose operations reach the same sections, while injuring also far more than it benefits the business community that seeks to take advantage of it.

This, then, is the "railroad problem;" there are mischiefs in railroad service that are outside of it, but we distinctly indicate the main source of difficulty when we place our finger upon the power as it exists now, to make and unmake the rates for passenger and freight transportation. So long as five hundred bodies of

men in the country are at liberty to make rate sheets at pleasure, and to unmake or cut and recut them in every direction at their own unlimited discretion, or want of discretion, and with little restraint on the part of the law except as it imposes a few days' delay in putting changes in force, the problem will remain to trouble us; the mere existence of the power making losses, disorder and confusion constantly imminent. The authority to reduce rates when they are found to be excessive is but a slight corrective, and reaches the evils only on the public side; and I need hardly remind you who understand it so well, that in this matter of rates, the power on the part of the public authorities to compel the railroads to do what is just to each other in respect to observing rates which they have once made, and to adhering to rate sheets until there is reasonable ground for changing them, is so very slight that it may really be regarded as too insignificant to be spoken of as possessing substantial value.

A problem so momentous as that described, the members of this convention may very well decline to discuss in its totality, or even at all, except as by law they may have been given authority to deal with minor questions embraced within it; but this need not hinder a recognition of its difficulties nor of the infinite powers of mischief which are involved. The first effective step towards the removal of any great public evil is to have distinctly pointed out its scope and its proportions, that those who undertake a reform may not be misled into accepting some single feature as constituting the whole, or some minor consequence as embracing the aggregate of all the mischiefs which do or may result from it.

In the preparation of this paper, the purpose to limit it strictly to indicating what the railroad problem is, has been closely adhered to, and no attempt whatever has been made to indicate what should be the solution.

REPORT OF COMMISSIONER WALSH.

GRAND FORKS, N. D., December 15, 1891.

To the Board:

I take pleasure in submitting the following report of my action in relation to the discriminating order of Supt. Jenks, of the Great Northern railway, in the furnishing of cars to buyers and shippers of grain.

The question was brought to my attention by the receipt of the following communication, which I herewith quote in full:

PENN, N. D., November 26, 1891.

Hon. Geo. H. Walsh, Grand Forks, N. D.

DEAR SIR: I have been buying wheat on track at this station. The superintendent of the Dakota division at Larimore has given their agent at Grand Harbor orders not to give me cars to ship my wheat in from this place. I have loaded promptly, and the Great Northern railway has no excuse on their part for such a special order--discriminating against me, a shipper, and not giving me cars. I have 10,000 bushels to ship of my own crop, and I desire your honorable Board of Railway Commissioners to investigate this matter. I have bought a few loads to fill out car to capacity and aim in prompt loading. The elevator gets cars, and things are rather "rank" when it comes to the point that a common carrier shall discriminate in this manner against a farmer and private shipper.

Evidently this is a kind of freeze-out plan of the elevator and railroad companies. The people and farmers are up and are very indignant at this move. Will you not intercede for us in this matter? It certainly needs immediate attention.

Yours respectfully,

W. R. MERRICK.

RUGBY, N. D., November 25, 1891.

Geo. H. Walsh, Esq., Grand Forks, N. D.

DEAR SIR: We wrote you some time ago about cars. We have not had a car since November 8th. We now have six cars of wheat here to ship, and cannot get a car. Kindly do for us what you can.

Yours truly,

SHEPHERD & WEILARD.

On the 28th day of November, I wrote Supt. Jenks, sending him a copy of the above letters, and asking him to explain; and on November 30th I received the following answer:

LARIMORE, N. D., November 29, 1891.

Hon. Geo. H. Walsh, Railroad Commissioner:

DEAR SIR: Referring to your letter of the 28th inst., Shepherd & Weiland, of Rugby, have had their full share of cars, if not more. Mr. W. R. Merrick, of Penn., has had more than his share. I return you herewith their letters.

Yours truly,

C. H. JENKS,
Division Superintendent.

December 1st, I wrote both Messrs. Merrick and Shepherd & Weiland, sending them copies of Mr. Jenks' letter, and that I would go up there on the 3d of December to further investigate the matter. Messrs. Shepherd & Weiland again wrote me as follows:

RUGBY, N. D., December 3, 1891.

Geo. H. Walsh, Esq., Grand Forks, N. D.:

DEAR SIR: We have your favor of the 1st inst. relative to cars. In reply will say we have had no cars at all, neither do we want any for our own use. Every car that we have had anything to do with has been for the farmer; we simply advance him money on his car when loaded and ship the car for him. We are O. K. now. No cars wanted at present.

Yours truly,

SHEPHERD & WEILARD.

December 1st, I also received the following communication from Hon. J. W. Maher:

DEVILS LAKE, N. D., November 28, 1891.

Geo. H. Walsh, Esq., Grand Forks, N. D.:

DEAR SIR: I wish you could arrange to come up here next Monday. The railroad company has ordered the local agents to give no freight cars for shipment of grain to any persons other than the elevator men and farmers; and this excludes all track buyers, the parties who have really made the market here this year. There are two active parties buying grain here this year in competition with the elevator men. They are Pat Kelly, of Cray, and Preesser & Serumgard, of this city. Prior to the time they began buying grain, the elevator companies were placing their own figure on all low grade or no grade of wheat. Since Kelly and P. & S. have started to buy, the price realized by the farmers for wheat that grades less than No. 2 has been raised on an average of at least 16 cents per bushel, notwithstanding that the actual market price at Minneapolis and Duluth is less than it was when they began business.

The order to give cars to farmers is a mere subterfuge, for the farmers as a rule live so far from track they cannot load the cars; and there has been so much dissatisfaction in the matter of getting cars that the farmers have about abandoned shipping their grain themselves. They were very much worked up on this subject, and are still. Nearly every farmer who has a car-load of wheat had determined to ship it himself; but the uncertainty of getting a car, and the difficulty of being able to load it within twenty-four hours, has in most cases discouraged them, so that since they have realized a fair figure for this class of grain, they have been willing to sell at, and in every case the preference has been given to the elevator companies, when the elevator companies would pay as much as the track buyers. This is on account of the fact that the track buyers either made him shovel the grain into a car or some granary or storehouse, while the elevators have dumps, and thus have the advantage of the others where the price is even.

There are several instances of farmers who were selling their wheat at the elevators for from 45 to 52 cents, prior to the advent of the track buyers, and who now, notwithstanding that wheat is down, are selling the same identical wheat to the same elevators for from 65 to 71 cents per bushel; so that you can see that the business people of this city, as well as the farmers throughout the district, are going to receive a severe set-back by the company's order, if it shuts out these buyers, which of course it will unless something can be done for them by you.

I have been requested by several of the merchants, as well as the track buyers and a great many farmers, to write you asking you to come here and investigate the matter, and I hope that you will be able to do so. If you can succeed in having the order revoked or modified, so that the track buyers can get their proportion of cars, your efforts will be appreciated by every person aside from the two elevator agents alone.

The chamber of commerce and the business men of Devils Lake will take an interest in the matter, as will of course every farmer who markets his grain in this city.

If you receive this to-night, and can notify me by to-morrow's mail that you will be here on Monday next, I will see that the farmers will be here to meet you, and have the fact of your coming spread about town, so that if you desire it a public meeting can be had and the matter discussed. If you would prefer not to have anything of this kind just now, and will say so, I will of course keep the matter still until after you have investigated.

Yours respectfully,

JOHN W. MAHER.

I immediately acknowledged the receipt of the letter and also made an appointment to meet in Devils Lake, December 3d, for

the purpose of investigating and taking testimony. I also at the same time wrote Superintendent Jenks the following:

OFFICE OF BOARD OF RAILWAY COMMISSIONERS,
GRAND FORKS, N. D., December 1, 1891.

C. H. Jenks, Esq., Superintendent :

DEAR SIR: I am in receipt of a communication from a prominent business man of Devils Lake, in which he makes the same charges that is made by track buyers at several other stations on the Great Northern line, *i. e.* "That orders have been issued from your office to station agents to give no freight cars for shipment of grain to any person other than elevator men and farmers."

I desire for the information of this board to know first, if any such orders have been issued; and second, what is the object of such discrimination, as discrimination it is, against track buyers. If you have investigated this subject, you could not but have found that track buyers buy wheat at a very small margin as compared with elevators, and that they, the track buyers, have forced the elevators to put up the price of wheat at those stations where they come in competition with each other, and at other points where the elevators did not have this competition the farmers who were forced to sell were compelled to take a lower grade and lower price than they would otherwise have received.

The elevator companies themselves are responsible both for track shipment by farmers and track buyers, because if they were satisfied to buy the farmer's wheat upon a reasonable dockage for dirt, there would be but few farmers who would take the trouble to ship their own grain, and track buyers would find but little to do.

But the elevator companies are not satisfied to do business on this basis. Where they have the monopoly—and they have it at at least two-thirds of the railway stations in the State, as there is no competition between the different lines of elevators at the several stations—they buy wheat on a margin of from eight (8) to as high as twenty (20) cents per bushel, and docking from three (3) to seven (7) pounds per bushel for dirt, when the same wheat could clean up not to exceed $\frac{1}{2}$ to $1\frac{1}{2}$ pounds of dirt per bushel.

The result is, farmers are dissatisfied, and justly so, and this opens the avenue to track shipment and track buying.

Now, Mr. Jenks, this is not an imaginary picture. I am in receipt daily of letters from all parts of the State of similar import. I cannot believe it is the intention—it certainly is not policy—for the railroads of this State to uphold any person or corporation doing business upon their line in any unfair and unreasonable method, and where such is the case, as a matter of self-preservation for the railway company, it should see that private track buyers were placed at every station upon their line, with strict injunctions to treat farmers fairly, and giving farmers every facility for the shipment of their own grain, and force the elevator company to quit business. If this system were adopted, the sentiment that is prevalent in the minds of our people, that railway corporations are their enemies, would soon die out.

Hoping you will give this matter earnest consideration, and that if such an order has been issued, you will at once countermand it.

I am, yours respectfully,

GEO. H. WALSH.

P. S. I go to Devils Lake on Thursday of this week to investigate this matter.
G. H. W.

December 3d I arrived at Devils Lake and at once proceeded to investigate the question of discrimination. I found that Pat Kelly and Proesser & Serumgard had been refused cars by the agent, and that the same state of affairs existed at Penn, Grand

Harbor and other points, and that the following order was received by the Devils Lake agent :

LARIMORE, November 27, 1891.

To AGENTS : Do not furnish another car to track buyers. If you have more emptys than needed by elevators and actual farmers, and no instructions as to what to do with them, ask Mr. Johnson for instructions.

C. H. JENKS,
Division Superintendent.

I remained in Devils Lake until the eve of December 4th—in fact a regular Manitoba wave—and but few farmers were in town, but from the number of signatures upon the following petition, and from conversation with farmers in other portions of the State, there is no doubt in my mind that track buyers are a benefit to the farmer, for the reason that they are the only competitors in the field against the line elevators, and hence better prices and better grades prevail at stations where there are track buyers, and railway companies should furnish better facilities for loading grain from wagons :

DEVILS LAKE, N. D., December 2, 1891.

To Geo. H. Walsh, Railroad Commissioner :

We, the undersigned, citizens and business men of the city of Devils Lake, do hereby express our disapproval and unqualified condemnation of the recent order made by the Great Northern Railway company, to local freight agents, not to furnish cars to any but elevators and farmers for shipment of wheat :

Dated December 2, 1891.

Smith & Kelly.....	Merchants	J. F. DeWillie.....	Merchant
Stade & Fee	Merchants	T. G. Barber	Barber
A. Pederson.....	Cashier M. N. Bank	Chas. Zunich	Barber
J. Hushmum.....	Asst. Cash'r M. N. Bank	T. S. Cardner	Merchant
S. H. Thompson	Merchant	Andrew Cairus	Hotel
W. J. Jamieson	Merchant	Thos. Clark	Farmer
J. F. Taylor	Farmer	B. J. Sullivan	Farmer
E. J. Chamberton.....	Merchant	John Nunnio.....	Carriage Maker
Wm. Palmeter	Merchant	Chas. Garneke	Farmer
F. Schuber.....	Merchant	B. E. Stone	Farmer
O. Stirk	Merchant	E. G. Stone	Farmer
Hope Bros.....	Merchants	S. Saunders.....	Farmer
J. C. Watt	Merchant	B. C. McCane.....	Farmer
Chas. Schultz....	Clothier and tailor	Clark Smith	Farmer
A. T. Hoisman.....	Druggist	Frank Stone	Farmer
Frank W. Mann.....	Merchant	John Gunderson	Farmer
F. P. Mann	Merchant	Pat Connor	Farmer
Geo. A. Vamrier	Restaurant	Louis Garike.....	Farmer
J. A. Phillion	Merchant	Herm Garike.....	Farmer
E. T. Fox	Meat Market	A. S. Pattie.....	Hotel
J. J. Bell.....	Livery	Geo. W. Childs.....	Farmer
Garver & Cleveland	Merchants	C. H. Bakewell.....	Farmer
A. D. Cleveland.....	Merchant	John Regan.....	Farmer
Prosser & Serumgand..	Track buyers	Peter Regan ..	County Commissioner
S. A. Nye.....	Editor Inter-Ocean	Edward Regan	Farmer
Blunster Bros.....	Druggists	A. H. Regan	Mill Co

John A. Percival	Receiver	Even Svengord	Attorney
Joseph Graham	Co. Com'r	John W. Maher	Attorney
A. V. Cogswell	Asst. P. M	F. H. Blashfield	N. W. Tel. Operator
Eaton & Higbee	Attorneys	H. M. Creel	Reg. of Deeds
Alex. Walker	Merchant	E. LaRue	Dep. Reg. of Deeds
Walter A. Wood	Mowing & Reaping Machine Co	Emil S. Eicti	Dep. Co. Auditor
D. G. Duell	County Judge	Henry Hale	County Auditor
H. Flanagan	Jewelry	A. G. Fanton	Track Buyer
A. S. Moen	Gen'l Merchant	T. T. Lee	County Treasurer
Posgeale DeFiase	Merchant	Chas. Thornoen	Dep. Co. Treasurer
M. H. Brennan	Editor of News	P. J. McClory	U. S. Court Com'r
A. J. McDonell	Farmer	J. F. Cowan	States Att'y Ramsey Co
Moen & Com	Lawyers	T. C. Saunders	Clerk District Court
F. W. Cockman	Meat Market	J. E. Galehouse	Bonham House
Albert M. Powell	Real Estate	C. E. Galehouse	Farmer
Geo. Juergeas	Cash'r First Nat. Bank	F. W. Parker	Track Buyer
Charles Budde	Merchant	Anthony J. Cunneon	Drayman
E. G. Quilman	Reg. U. S. Land Office	Jorgen Sorensen	Farmer
Reuben Noble	Cl'k U. S. Land Office	Mads McKelson	Farmer
A. L. Wineman	Merchant	Pat Kelly	Track Buyer and Farmer
		E. B. Kenefic	Farmer

December 5th, upon my return from Devils Lake, the following communication was found upon my desk :

LARIMORE, N. D., December 1, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.:

DEAR SIR : I would respectfully refer you to Mr. C. W. Cane, general superintendent, St. Paul, who will answer your letter of even date about track buyers.

Yours truly,

C. H. JENKS,
Division Superintendent.

There being no answer from Mr. Case, I immediately went to St. Paul and laid the subject before Mr. A. L. Mohler, general manager, who responded that the order would be rescinded at once, and that orders had been issued to the division superintendent to that effect.

The following is Mr. Mohler's letter upon this subject :

ST. PAUL, MINN., Dec. 4, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.;

DEAR SIR : Your letter of December 1st to Mr. C. H. Jenks, superintendent, was forwarded to me.

The company proposes to observe its Circular No. 8, of August 18, 1891, a copy of which was furnished the Commission at the time it was issued. Temporary orders were issued in several instances for justifiable reasons and in cases of emergency, and for the protection of farmers, not to furnish cars for track buyers. Conditions having changed, the special orders above referred to are no longer in force.

Am I to understand that the Commission hold that when elevators are filled, cars shall be furnished to track buyers in preference to elevators and farmers ?

Yours truly,

A. H. MOHLER.

Since the rescinding of the special order I have visited several points along the Great Northern railway, and I find that cars were being distributed more fairly and track buyers and farmers alike are well satisfied.

Respectfully,

GEO. H. WALSH,
Chairman.

MISCELLANEOUS.

GRAND FORKS, N. D., Dec. 31, 1891.

To the Board:

I beg leave to report that since establishing my office in this place, 1st of last August, as provided in our rules, I have received a very large number of letters from different points and upon various subjects connected with the office of Railway and Warehouse Commissioner, all of which were promptly answered, and steps taken to comply with the requests of the writers.

As the publication of the communications and answers in full would make a large volume in themselves, I will merely summarize them.

EDISON—SIDETRACK.

August 10th Thomas Edison and P. Brennan, farmers located between Larimore and McCanna stations, on the Park River line, made application for a siding midway of those stations for the purpose of shipping grain, and after corresponding with the general manager, the siding was granted under the usual terms, *i. e.*, Edison and Brennan to do the grading, furnish and lay the ties at their own expense, the company to furnish and lay the track, charging Edison and Brennan for the cost thereof, "the same to be refunded on the basis of 25 per cent. deduction from the charges on their shipments; *Provided*, That the track is thus paid for within the period of two years."

This proposition was accepted by these gentlemen and the side-track was put in.

FLAT-HOUSE.

Mr. Haggerty, of Monango, had a flat-house at Silver Leaf, Great Northern railway, which has been closed for more than one year, and wrote me under date of August 21st. I wrote the company, who finally agreed to give Mr. Haggerty a site if he would agree to erect an elevator of 30,000 bushels capacity. Not having heard from Mr. Haggerty since then, I am unable to say how the matter terminated.

HOUSTON—SIDETRACK.

In the month of August several communications passed between D. H. Houston, of Hunter, and myself and the general manager of the Great Northern railway. Mr. Houston resides on his farm about four miles from Hunter, and ships from 50,000 to 60,000 bushels of wheat a year, and he has asked that a siding or spur track be placed on his farm so that he could put up an elevator and ship his own grain. The company refused to put in the spur, but finally did put in a platform at Hunter for Mr. Houston's benefit so he could ship his own grain.

FREIGHT RATES.

Mr. J. W. Hughes, a miller at Cavalier, in July presented a petition reciting the fact that a difference of 2 cents per hundred in freight rates exists between stations on the main line and those on the branch line of the Great Northern railway, between points north of Grafton, and asking that a uniform rate be established upon both the branch and main lines. The question was submitted to the general manager who, on August 22d, replied that these rates are graded as well as they can be. The rates are a little higher than the rates on the main line between Grafton and Neche, but lower than the rates at Langdon, Edinburgh and Osnabrook. Mr. Mohler further said that if we get a crop out of that country this year the company can afford to make some changes in the schedule on this line another year.

LANGDON.

At the request of a number of business men I wrote General Manager Mohler, of the Great Northern railway, in reference to the freight rates on the branch. The Langdonites claimed the differential rate between stations on the branch—being 1 cent additional between each station west of Park River—was too great; and also the rates of that branch were in excess of stations of equal distance on the main line. Mr. Mohler answered to my letter as follows:

ST. PAUL, Minn., Dec. 8, 1891.

George H. Walsh, Chairman, Grand Forks, N. D.:

DEAR SIR: Your favor of the 24th: I have had the matter investigated and am unable to find that any grain tributary for legitimate reasons has been marketed at Milton in preference to Langdon.

The difference in rates between Langdon and Milton is 2 cents, which is not unreasonable for the eighteen miles difference in distance. The company cannot afford to transact the business on its branch lines as cheaply as it does on its main line.

The company expects, however, if its districts are favored with another good crop like the past one, it will take such action as will agreeably please the patrons of its line.

Yours truly

A. L. MOHLER.

LOCATION OF WAREHOUSE.

B. F. Wise, a track buyer at Park River, desired a location on the sidetrack for a flat-house in which to handle grain. It appeared after investigation that Mr. Wise had been in communication with the Great Northern management, and that about one year ago the company decided to give Mr. Wise a location, but for some reason he did not accept it. This year the company replied that they had "no additional room on sidetrack that they could give Mr. Wise, nor could they make any extension of their sidetrack this fall, in view of the scarcity of men and material and other work already arranged for."

DEPOT—EDINBURG—OSNABROOK.

John E. White, Esq., asked for information as to the prospects for a depot at Edinburg. The business men at that point, early in the spring, requested the board to endeavor to have the Great Northern Railway company to erect a depot. This the board did, and on August 30th I received the advice from Mr. Mohler, in which he says, "I am pleased to inform you that we decided yesterday to erect a depot at Edinburg at once, and I hope soon to make a further report to you on some other buildings." Since that date the company has erected very substantial and neat depots at Edinburg, and also one at Osnabrook, Park River branch of the Great Northern railway, both at the request of this Board. Also a large and substantial stone depot at Grand Forks.

PLATFORM.

Hon. W. E. Swanston, of Grand Harbor, August 28th, asked for the erection by the railroad company of a grain loading platform.

Edward Leberge, of St. John, wanted a platform at either St. John or Rolla.

F. E. Vorachek, Conway, wanted a platform at that point and stated the farmers would build it themselves if a site was given them. A like request was made for a platform at Perth. The railway company, however, refused to grant the request; in fact, they have, with two or three exceptions, positively refused to build or allow the same to be built, platforms at their stations, assigning as a reason that there were ample facilities for loading grain, and they have not room for platforms. [See recommendations of board on another page upon this subject.]

COMPLAINT AGAINST ELEVATORS.

Hon. Geo. Michie, of Bottineau, writes under date of September 30th, and makes complaint that the elevator companies are "cinching" the farmers on grades, weights, dockage and prices. I made a trip to that point and found upon investigation

such was the case, but as the elevator companies claim they were not public but private houses, and thus not under the supervision or dictations of myself or the board, could do nothing with them. I, however, advised the farmers to ship their own grain. This had some effect, as the elevators after this gave better grades and prices.

COLTON'S SIDETRACK.

Hon. H. L. Colton owns and operates a mine of lignite coal about seven miles west of Minot and about the same distance from and only about one mile north of the main line of the Great Northern railway. He has been in correspondence with the company for the past four years to secure a siding about midway between the above named stations, which would shorten his haul about six miles, but not until the present Board of Railroad Commissioners took hold of the case in his behalf has he been able to secure from the company any concessions.

After several interviews with Mr. Mohler upon the subject, a day was fixed when Mr. Mohler and myself met upon and examined the location for the siding petitioned for by Mr. Colton, and Mr. Mohler decided the location impracticable and dangerous for the traffic of the road, but consented to give Mr. Colton a location about one mile east, which would reduce the haul of coal from the mine to the track to one and one-half miles. If this was satisfactory to Mr. Colton, the company would put in the siding under the same terms they put in private sidings, *i. e.*, Mr. Colton to do the grading, the company to furnish iron and ties, and putting the same down and charging Mr. Colton with the cost thereof, which was estimated at \$417, and giving him a rebate on freights shipped from the siding of 25 per cent. for two years. The location and terms were accepted by Mr. Colton; the company sent up the engineer, staked out the siding and Mr. Colton at once did the grading. In the meantime, at Mr. Colton's request, I endeavored to get from the company a modification of their rule, so that the track could be laid without requiring from Mr. Colton the cash payment of \$417, for cost of iron and ties. This I was unable to do, as shown by the following:

ST. PAUL, MINN., Oct. 15, 1891.

Hon. Geo. H. Walsh, Chairman, Grand Forks, N. D.:

DEAR SIR: Your favor of the 9th: I do not see why Mr. Colton should complain. You may recollect the correspondence which passed between you and I, and also between yourself and Mr. Hill. The track will be put in on the usual conditions, and Mr. Hill declines to modify this arrangement, and he has refused to do so in some other cases recently where I personally thought he could better afford to do so than in this case, but he declined to do it, and has made no deviation whatever since this rule was established, and Mr. Colton was so advised by me.

Yours truly,

A. L. MOHLER.

Up to the present time nothing further has been accomplished, but I think I have made arrangements with millers in the city of Grand Forks by which they will guarantee to the railway company the \$417, and that the track will be laid at once, so that Mr. Colton will have an opportunity of working his mine after January 1st to its full capacity of at least ten cars per day.

“Y”—GRAND FORKS.

Recognizing the facilities for the transfer of traffic from one line of railroad to another, urged our business men nearly two years ago to petition both the Great Northern railway and the Northern Pacific railroad to jointly put in a “Y” or connection between the two lines so that cars from one line could be switched upon the track of the other, and *vice versa*, but not until the middle of October, 1891, did the present board realize that their efforts in this direction had been successful. A great deal of correspondence and personal interviews with the companies and myself took place before it was finally decided by the Great Northern Railway company that the “Y” should go in. The connection is now made, however, and it is found of great convenience, not only to the patrons of the roads, but also to the roads themselves. I quote the last communication from Mr. Mohler upon this subject in reply to my letter of the 9th of October:

GREAT NORTHERN RAILWAY,
ST. PAUL, Minn., October 15, 1891.

George H. Walsh, Chairman:

DEAR SIR: Now as to the “Y.” We have had the material there some time for this work, but there has been some controversy with the Northern Pacific, who wanted the “Y” put in in another way, we having arranged to put it in on the ground acquired by the Business Men's association, and are ready to do the work at any time.

Mr. Mellon, of the Northern Pacific, advised me the other day that his company was now ready to do the work. The delay has not been with our company, but entirely with the Northern Pacific, and I would be very glad, if you would do so, to have you write them and call their attention to this delay. We want it in.

Yours truly,

A. L. MOHLER.

SIDING AT OMEMEE.

Hon. Anton Svensrud and others, of Bottineau county, have written me several times, requesting me to confer with the Great Northern officials and secure, if possible, a sidetrack at Omemee, located about equal distance between Willow City and Bottineau. After some correspondence with the railway officials upon this subject, I visited the location, and upon my return, October 20th, I wrote Superintendent Jenks at Larimore, who referred me to the general office, and on November 25th the general office replied that it was too late to do the work, but if there is business in that district another year, the company will put in the track. It

has been most discouraging to do any of this work this year because we have been unable to get men at any price, and no one has experienced this more than the farmers, but another season, if we have a good crop, the company will be justified in making this improvement. This letter was communicated by me to the parties interested at Omamee.

WOOD FAMINE—HUNTER.

Hon. Walter Muir, of Hunter, under date November 4th, wrote me the people there were out of fire wood, the wood dealers had notified the railway officials by mail and wire all to no purpose, and for four weeks no wood had been received, etc., and asking my intervention in the premises. I immediately wrote Mr. Mohler, who replied, "instructions have been given to furnish cars at once to load with wood for Hunter."

PLATFORM—HAGUE.

U. D. Hurley, of Hillsboro, forwarded me a petition praying for the erection of a platform at Hague, on the new branch of the Great Northern railway, through the Grandin farm in Traill county. The same was forwarded to the general manager, who replied, under date of November 9th, that the depot grounds had not yet been deeded to the company at Hague, and that the company would therefore be unable to grant the request.

Sover Nelson, a farmer residing near Mekinock, Northern Pacific railroad, asked for a platform at Mekinock for loading grain. I wrote Mr. Mellen, general manager, November 10th and also November 24th, who has taken the subject under advisement.

T. E. Miles, Silver Leaf, on the southern line of the State, on a branch of the Great Northern railway, under date of November 13th, wrote as follows:

Geo. H. Walsh:

DEAR SIR: The farmers of this place asked you, as Railroad Commissioner, more than sixty days ago, to cause the Great Northern Railway company to put up a platform for convenience of farmers to load cars, also chute for loading and unloading stock. The railway company shipped some lumber here some thirty days since, and just piled it up, and now, to-day, they reloaded the lumber to ship away. There is a law that declares a fine upon you, as Railroad Commissioner, for not seeing that they build such improvements; also, there is a fine upon the railway company for failing to comply. There is such a thing as neglecting your duty. The farmers gave the railway the right of way here for siding, and they ought to have respect. Also the Northwestern Elevator company are not giving the farmers justice, in many cases, in under-grading their wheat. Let me hear from you soon.

In behalf of the community at this place,

Respectfully,

T. E. MILES.

My answer to Mr. Miles was that the board had filed the request of the citizens of Silver Leaf for a platform and stock chute with the Great Northern officials: that it was impossible for the

board to be at all points of the State, and that if he (Mr. Miles) was knowing of any violation of the law by the railroad company it was his duty to make complaint to the board, and we would make investigation and prosecute the company; that we desired witnesses in all these cases, and that he would make a good witness and be the proper person to make the complaint, and that by writing to Secretary Edgerley at Bismarck, blanks would be furnished him for that purpose; also, that Commissioner Sloten was nearer to him than I was, and that by communicating with him, he would go out and investigate.

CARS FOR SHIPPING WHEAT.

Owing to the scarcity of empty cars for the purpose of shipping wheat, caused by a blockade of several thousand cars at the terminal points that could not be unloaded, I had been flooded with letters and telegrams from several points upon the branch and main lines of the Great Northern railway. These letters and telegrams were promptly answered upon receipt, and steps at once taken with the railway officials to supply the demand as rapidly as cars could be secured.

In many cases, which I considered urgent, I have visited the stations mostly complained from and made personal investigations, and by so doing I have been able to furnish relief. Among the correspondents upon this subject are the following:

J. W. Gordon, Willow City. Mr. Gordon is a track buyer and has a small flat-house off the company's right-of-way. He complained that he could not get cars. I wrote and telegraphed Mr. Jenks, division superintendent, at Larimore, and cars were at once furnished.

Ed. McGregory, Greenleaf, Traill county, a farmer, was unable to get cars to ship his grain. I wrote Mr. Jenks and the next day four cars were set in at Greenleaf, of which Mr. McGregory loaded two.

Garnett Bros., of St. Thomas, November 27th, wrote, the farmers are unable to get cars, and that other towns adjoining get more cars than St. Thomas.

Daniel O'Connor, St. Thomas, November 27th, makes the same complaint as do Garnett Bros. A communication from me to Howard James, division superintendent at Barneville, brought several cars.

William Foster, Bathgate, who has a movable platform and assists farmers to handle their grain for a small commission, has written me several letters, the last three months, complaining that he could not get cars for himself or for the farmers; in each instance I have given him assistance.

M. Anderson, Blanchard, a farmer, writes he had an order on file for two weeks for a car.

E. A. Bickford, a track buyer at Kempton, complains he does not, nor do the farmers receive their share of cars; this was con-

tradicted by Supt. Jenks. I went out and saw Mr. Bickford and also the superintendent, and more cars were promised.

J. W. Blakely, a general merchant at Langdon, complained he could not get cars for himself or farmers; this was on November 16th. I telegraphed Supt. Jenks, and also went personally to Langdon, and on the 18th five cars were set in at Langdon for Mr. Blakely and farmers.

J. E. Campbell, of Edinburg, a farmer, had ordered cars and could not get them, so he writes under date of November 5th. The attention of the company was called to the fact.

S. S. Marsh, Minto, November 19th, wrote for a car at Conway. I answered that I had no cars for distribution, but if he would file his application with the agent at Conway, he would probably get a car in his turn; if not, I would then see why the discrimination.

David Rea, Conway, a farmer, wrote he was unable to get cars, although he had repeatedly asked for one. I saw Mr. Rea personally at Conway, and secured him a car by telegraphing.

Baptie & Willson, Bathgate, private elevator, complained they were not getting their share of cars. Referred to Supt. Howard James.

J. F. Sheffield, a track buyer at Bottineau, wrote Greenleaf & Tenny, commission men at Minneapolis, that he could not get cars, and asked if they could do anything for him. Messrs. Greenleaf & Tenny forwarded the letter to me and I referred the matter to Supt. Jenks.

J. M. O'Connor wrote December 3d that everything was full of wheat at Crystal and no chance for farmers to either sell or ship for want of cars. Supt. James' attention was called to this and he promised to relieve the situation.

Wm. Helm, Ellerton, a farmer, under date of December 4th, complains of want of cars to ship, and that unless he can get cars he will be compelled to have his grain hauled across into Manitoba and sell it at Crystal City, as he can sell for a better price there and pay the duty, than the elevators at Langdon will pay him.

E. Hanna, of Hanna, a farmer, December 4th, says: I cannot get cars to ship my wheat, and the elevators will not pay what it is worth. If the local buyers at Langdon could get cars, it would be better, as they keep the price well up. Some of my neighbors are drawing to Crystal City, Manitoba, because they cannot get cars.

John Hanna, a farmer, same as above.

Fossum, Hunter & Co., Langdon, merchants, write as follows:

LANGDON, N. D., November 28, 1891

George H. Walsh, Grand Forks;

DEAR SIR: Why cannot the railway company furnish cars for this place? We made application some time ago, and at this time the agent says

we may not get a car for a month. We have all storage full and farmers (our customers) cannot get cars or dispose of their grain so as to settle their bills; this makes it hard for us all, and we must have relief. Elevators do not pay what wheat is worth, and they cannot afford to sell, as their proceeds will then fall much short of covering their liabilities, and we cannot blame them.

We trust you will look into this matter, and for the general welfare of the community, make efforts to help us.

Respectfully,

FOSSUM, HUNTER & Co.

In answer to the above Superintendent James writes as follows:

BARNESVILLE, Minn., December 7, 1891.

Geo. H. Walsh, Esq., Chairman Railroad Commissioners, Grand Forks:

DEAR SIR: Replying to yours of the 6th: Will try and relieve the situation at Crystal as soon as possible.

Yours truly,

HOWARD JAMES,
Superintendent.

BARNESVILLE, Minn., November 25, 1891.

Hon. Geo. H. Walsh, Esq., Chairman Railroad Commissioners, Grand Forks:

DEAR SIR: I return you herewith letter of Baptie & Willson, of Bathgate. I have received several from these people previous to the receipt of this. We are doing all we can to supply the very large demand for empties. I hope the situation may be relieved in the course of a few days.

Yours truly,

HOWARD JAMES,
Superintendent.

LARIMORE, N. D., November 12, 1891.

Hon. Geo. H. Walsh, Grand Forks, N. D.:

DEAR SIR: Referring to your letter of the 11th inst.: Your information is not correct about the elevators at Kempton. The elevators at that point handle farmers' wheat at 2 cents per bushel, and I will say that up to November 1st there has been more cars loaded on track than by elevators. This will apply to all stations on the Dakota division. Since November 1st we have been distributing cars according to Circular No. 8, which I think was gotten up by the Railroad Commissioners.

Mr. Bickford has shipped all of his wheat on track and a large number of cars for others, getting \$1.50 per car, so I understand, and this is the cause of the complaint, as the \$1.50 is cut off.

Yours truly,

C. H. JENKS,
Division Superintendent.

LARIMORE, N. D., November 10, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.:

DEAR SIR: Referring to your letter of even date about cars at Denny for Mr. Arthur Moffett: We are doing all we can to furnish cars to move the wheat, and have not refused Mr. Moffett or any one else cars, but cannot fill all orders.

Yours truly,

C. H. JENKS,
Division Superintendent.

LARIMORE, N. D., November 5, 1891.

Mr. Ed McGregor, Weible, N. D.:

DEAR SIR: Referring to your letter of even date: We are doing all we can to furnish cars; cannot move this crop in thirty days.

You must arrange to take care of part of your wheat until cars are more plenty.

Yours truly,

C. H. JENKS,
Division Superintendent.

LARIMORE, N. D., November 10, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.:

DEAR SIR: I return herewith correspondence about cars wanted by various parties as per your letter of the 10th inst. We are doing all we can to supply cars. You will note that those who have wheat to ship say "no cars," while those who want wood say "hundreds of empties received and no wood." I did not answer any of them, as I have done so time and time again, and it is a waste of time.

Yours truly,

C. H. JENKS,
Division Superintendent.

LARIMORE, N. D., December 7, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.:

DEAR SIR: Referring to your letter of the 6th inst.: As you well know, cars have been very scarce, but we hope they will be more plenty soon. We will do the best we can for the Langdon line.

Yours truly,

C. H. JENKS,
Division Superintendent.

The following communications from Mr. Michie and Mr. Wise were duly received by me:

BOTTINEAU, December 14, 1891,

Hon. Geo. Walsh:

MY DEAR SIR: Things are as bad at the elevators here as ever, and what is worse, the station agent says that the railroad company has instructed her to give the farmers no cars to load with wheat, on the track. One of my neighbors, Duncan Beaton, a farmer, threshed about three weeks ago and made a demand on the agent for a car, but she refused him up to date. I understand she claims that the elevator companies have engaged all the cars ahead till spring.

Can you order him a car as soon as possible? It's nothing short of extreme villany for them to cut the prices 12 to 18 cents below the prices that can be got at Minneapolis after deducting freight, and have an understanding with the railway that the farmers cannot ship themselves. Do your best to break this arrangement and let Beaton have a car.

There is one-third of the wheat in this county to thresh yet.

Please do your best for us.

I am truly yours,

GEORGE MICHIE.

PARK RIVER, N. D., December 14, 1891.

Hon. Geo. H. Walsh, Railroad Commissioner, Grand Forks, N. D.:

DEAR SIR: Am I as a private grain buyer entitled by law to an equal share of cars (for side-track loading) with the elevator and mill companies?

It appears that the railway company and elevator companies have determined to debar me from shipping grain as much as possible; at least, it is almost impossible to obtain cars so long as mill or elevator company want them. To-day I might have loaded a car that stood on sidetrack all day and still stands there, but agent said it was for the elevator company. This has not occurred just today, but quite a good many times. What I would like to know is, am I entitled to any cars? If so, how am I going to get them? I am trying to make a livelihood by handling grain, as this is all the business I have whereby to make a living.

If you can help me out in this matter I shall ever be grateful to you.

Yours very truly,

B. F. WISE.

LARIMORE, N. D., December 17, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, Grand Forks, N. D.;

DEAR SIR: Referring to your letter of the 16th inst.: I think you will find upon investigation that we are furnishing cars at Park River in accordance with circular No. 8, and that Mr. Wise is getting his share. I also think you are mistaken about the agent at Bottineau refusing to allow cars to be loaded on track, but will take the matter up with her.

Yours truly,

C. H. JENKS,
Division Superintendent.

TRAIN SERVICE—HOPE BRANCH.

James P. McMahon, of Hope, under date October 7, asks if anything had been done by the board toward securing a better train service upon the Hope branch of the Great Northern railway. This question was brought to the attention of the railway management by the full board, who agreed to take the matter under advisement, and as soon as possible to improve the road-bed of the branch and also of the Mayville branch, and to give a better service, but owing to the scarcity of help, and the amount of other work on hand, probably nothing would be done this year, intimating that the work would be attended to next year.

PUBLIC ELEVATORS.

L. B. Gibbs, of the Farmers' Elevator company, of Mayville, Traill county, is the only elevator company north of Cass county who has fully complied with the elevator laws and the rules and regulations of the board governing public elevators. I have received from that company daily reports showing the receipts, grades, dockage and shipments of grain, together with the daily quotations.

Hon. W. J. Hawk, of Buffalo, Cass county, has complied with the elevator laws and made daily reports to me, together with quotations, until within the past month. I presume, however, he has continued the reports, but sent them to the secretary at Bismarck.

A. O. Runice & Co., of Sheldon, in reference to the erection of elevators, etc. The correspondence in this case has been forwarded to the secretary at Bismarck.

WHEAT INSPECTION.

Correspondence in relation to this subject will appear under that head in this report.

REPORT OF COMMISSIONER HARMON.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, December 31, 1891.

To the Honorable the Board of Commissioners of Railroads of the State of North Dakota:

GENTLEMEN: I have the honor to submit herewith the following report of my proceedings in the distribution of cars, and it is a pleasure for me to state that in every instance when the attention of the Northern Pacific railroad's officers was called to the wants and necessities of the people, they were quick to respond to every request and demand that I caused to be made upon them.

On the 3d day of November, 1891, immediately upon the receipt of the following letter at the office of the Commissioners of Railroads, I instructed the secretary to notify Division Superintendent McCabe and request him to furnish immediately the cars necessary, and in all cases where such complaints were made, not to wait, but to make immediate demand for the necessary cars. As a result the following correspondence was had, which will explain itself:

BARLOW, N. D., November 2, 1891.

Railroad Commission, Bismarck, N. D.:

GENTLEMEN: What are the rules and regulations governing the distribution of cars at stations having no railroad agents?

The old game is being played here. The wheat houses get the cars and the farmers go without. What does a farmer have to do to get cars?

Yours truly,

F. G. BARLOW.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 3, 1891.

A. J. McCabe, Superintendent Dakota Division, Northern Pacific Railroad Company, Jamestown, N. D.:

DEAR SIR: Inclosed find a copy of the letter of Hon. F. G. Barlow.

I am directed by the Board of Commissioners of Railroads to request of you that you furnish cars to Mr. Barlow, if he requires them.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,

BISMARCK, November 3, 1891.

Hon. F. G. Barlow, Barlow, N. D.:

DEAR SIR: Your favor of the 2d inst. received.

By direction of the Board of Commissioners of Railroads, I have requested Mr. McCabe, division superintendent at Jamestown, to furnish you cars when you require them.

Hoping that you will not be further troubled about getting cars this season, I remain

Yours respectfully,

M. J. EDGERLEY,
Secretary.

NORTHERN PACIFIC RAILROAD COMPANY,

OFFICE OF DIVISION SUPERINTENDENT,

JAMESTOWN, N. D., November 4, 1891.

M. J. Edgerley Esq., Secretary Board of Railroad Commissioners, Bismarck:

DEAR SIR: Your letter of November 3d, inclosing one from Mr. Barlow received, and your request therein complied with.

Yours truly,

A. J. McCABE,
Superintendent.

The Western Union Telegraph company received at Bismarck, N. D., November 5, 1891, Dated at Steele, N. D.:

To M. J. Edgerley, Secretary Board Railroad Commissioners:

I have car of wheat in wagons. Railroad company refuses to let me have car to load under any circumstances, although there is several empty cars on track here.

J. N. ROOP.

SYKESTON, N. D., November 4, 1891.

To Railroad Commissioners, State of North Dakota:

DEAR SIR: I wish to make a few statements concerning the treatment of farmers at this station by the railroad company, all of which can be substantiated by competent testimony.

First—The farmers at this station have only had one car *all told*, since Wednesday, October 28th, while the "private warehouses" have had from two to five cars between them *each day*.

Second—One farmer (a widow) asked for a car from the agent October 28th, while three empty cars were in sight. She was informed by the agent "that the elevator must have those three cars." She then left a standing order with the agent for one car to be given her as soon as the agent could get one. Three different times since when empty cars were in sight, I (as her agent) have been informed by railroad agent that she would have to wait till the elevators were supplied, as they had "first sight of the cars."

Third—Another farmer (D. J. Butts by name) has tried for three days to get a car. Yesterday seven cars came in, part of them empty. Some of them were taken away empty. Two cars loaded with coal were left, and above named (D. J. Butts) asked for one of them when coal was unloaded. The agent informed him he could have one. When Mr. Butts came in town this morning with two loads of wheat to put in car, he was informed by agent that the elevator must have both cars, and then again said that "his orders were that elevators must have first choice of cars."

As to prices of wheat paid by elevator companies will only mention one instance. Above mentioned D. J. Butts shipped one car about four weeks

ago. The elevator company offered him some wheat, No. 2, and 70 cents per bushel. When the car was loaded they offered 76 cents per bushel for same wheat. The car was shipped and Mr. Butts received 80 cents net for same.

If you want any affidavits or regularly taken testimony, let me know what is required. If farmers cannot get their rights peaceably, they will take cars without asking.

Very truly yours,

A. G. COVELL.

SYKESTON, N. D., November 4, 11 a. m.

Freight train just arrived for today, bringing five empty grain cars. Mr. Butts still here with wagons loaded with wheat. Makes demand of agent for one car. He is refused on the ground that elevator companies want and must have all five cars, making seven empties now in sight to the use of elevator companies, while the farmers have none.

The elevator companies will not store wheat for farmers, and I could furnish the affidavits of three farmers who are selling to elevators that would not if they could get cars.

A. G. COVELL.

On receipt of the foregoing letter the secretary immediately telegraphed Mr. McCabe at Jamestown under my instructions as follows:

OFFICE COMMISSIONERS OF RAILROADS,

BISMARCK, N. D., November 5, 1891.

A. J. McCabe, Superintendent Dakota Division, Northern Pacific Railroad Company, Jamestown, N. D.:

J. N. Roop wires me from Steele that he has car of wheat in wagons at station waiting for car, and that there are several empty cars on sidetrack, and that the company refuses to let him have car.

Also A. C. Covell writes me from Sykeston that there are several parties there who want cars, some of them with wheat in wagons at station, and empty cars on sidetrack, and agent will not permit them to load. Can't you let these parties have cars to load their wheat?

M. J. EDGERLEY.

The secretary also received the following letter from Mr. Roop, which more fully explains his situation and condition at the time:

STEELE, N. D., November 5, 1891.

M. J. Edgerley, Secretary of the Railroad Commission, Bismarck, N. D.:

DEAR SIR: I wired you to-day, and I thought that I would write a few lines. I am here from Emmons county with wheat enough to load a car, and to-day there was a lot of empty cars standing on the sidetrack, and I wanted one of them to load wheat on, and the agent told me that he had got orders yesterday not to let any sidetrack loading to be done at all, so he could not, under any circumstances at all, let me have a car to load wheat in. He said that I must sell it to the elevator, and they could ship, and no one else could ship wheat. I would sell them the wheat, but they want to grade our wheat lower than we want them to do, and they want to dock me four pounds on the bushel, and we have cleaned our wheat all through a fanning mill, and it is perfectly clean. So we thought it best to run the risk of doing better by shipping it ourselves, but we are now prevented from doing so. Now, what can be done in the matter? Please let me know at once, as I have a carload of wheat here at Steele, and don't know what to do with it. We don't like to be compelled to sell our wheat at those prices and grades. If you can do

anything for us, please be kind enough to do so at once, as I am on expense here. So please let me know at once, and greatly oblige your very humble servant.

Address me at Steele, N. D., or wire me, and I shall pay the expense of the same. Please let me hear from you some way not later than the evening of the 6th inst.

Respectfully yours,

J. N. ROOP.

JAMESTOWN, N. D., November 8, 1891.

M. J. Edgerley, Esq., Secretary Board of Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: Your telegram received to-day, and will say that you have been misinformed about cars standing around on sidetracks, and their being refused to farmers for loading their wheat. The fact is, we are very hard up for cars and the elevators are crowded, and we are obliged to stand off one that many may be accommodated. We refuse cars to nobody, but we must keep our avenues of commerce open to the general public. We will give cars to the gentleman at Steele and also at Sykeston when we can. This season thus far we have given cars to anybody and everybody, and we still intend to do this to the best of our ability, but when cars are not available, we will have to do the best we can.

You no doubt are alive to the situation, and the heavy shipments of wheat which we have, but we can't move the crop in a day. We were 400 cars short of our orders last night.

Yours truly,

A. J. McCABE,
Superintendent.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 5, 1891.

A. G. Covell, Attorney at Law, Sykeston, N. D.:

DEAR SIR: Your favor of the 4th inst. received.

I have wired Superintendent McCabe at Jamestown, and will advise with you when I receive an answer from Mr. McCabe.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 6, 1891.

J. N. Roop, Steele, N. D.:

Telegram and letter received. I wired Superintendent McCabe yesterday and wired him again to-day. As soon as I have something definite, will inform you.

M. J. EDGERLEY,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 6, 1891.

A. J. McCabe, Superintendent Dakota Division, Northern Pacific Railroad Company, Jamestown, N. D.:

Letter received. Roop writes me from Steele that he is at Steele from Emmons county with carload of wheat in wagons. That agent informed him that agent had orders not to let any sidetrack loading be done. That he could not, under any circumstances, let Roop have car to load wheat.

Agent further informed Roop that Roop must sell to elevator. That elevator could ship wheat and no one else.

M. J. EDGERLEY,
Secretary.

JAMESTOWN, N. D., November 6, 1891.

M. J. Edgerley, Esq., Secretary Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: I have written the agent at Steele that if Mr. Roop was in from Emmons county with a carload of wheat in wagons, to give him a car in order that he might get back home.

Yours truly,

A. J. McCABE,
Superintendent.

OFFICE OF A. G. COVELL, LAWYER AND NOTARY,
SYKESTON, N. D., November 7, 1891.

Railroad Commissioners, State of North Dakota:

GENTS: Your favor 5th received yesterday.

Further in regard to treatment of farmers here, will say that yesterday twelve empty cars were placed in the yards and disposed of as follows: Six given to one elevator, four to the other and two to the warehouse. Two farmers were anxious to get a car, but were refused any, the agent saying that Superintendent McCabe had ordered them all to the elevators.

There seemed to be no trouble until about two weeks ago. Now, the elevators make their brags that they have standing orders for about three or four cars a day, and they must have them whether farmers get any or not. Some farmers will soon want cars to ship barley. There is no market here. Our elevator offered one party 30 cents for his barley. He (the farmer) managed to get a car about three weeks ago and shipped his barley, and it netted him 46 cents, or 16 cents better than elevator offer.

Excuse the intrusion for farmers' sake.

Respectfully,

A. G. COVELL.

The following letter was received by the secretary from Raymond, Kepler & Co., which will explain itself:

DAWSON, N. D., November 7, 1891.

M. J. Edgerley, Secretary Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: We were advised by the station agent here that the superintendent had issued an order to stop all track loading at the different stations along the line of the Northern Pacific, and deliver cars to elevators "only." We thought there must be some mistake in the order. That no corporation or superintendent would undertake to make such an open discrimination as this, in direct opposition to the law. We therefore wrote the superintendent regarding the matter, and have his reply to-day. He positively refuses to furnish us cars, and even goes so far as to say that he is not sorry *not* to be able to furnish track buyers with cars, as "he" does not consider it a "legitimate" business. We have a warehouse of our own on our own land, and have been buying wheat for the last eight years. We were the first to buy at this point. We buy here the year round, while the elevator company usually sends a man here to buy through the busy season, and then he goes away and the elevator is closed, and the parties are left to do what they can with their small cribs of wheat. We have had to buy it, or the farmers were subjected to inconvenience or loss for want of a market where they could dispose of it. Now when there is enough wheat to handle to make it an object, and there is something to be made handling it, we must be shut off and the elevators must have the preference. If there is any law or justice in this, and our American people will stand such monopolies and such treatment, I want to be transferred to some other government. An absolute monarchy would be preferable.

We have already shipped some forty cars this season, which, as I interpret the law, would entitle us to our proportionate amount of cars as shippers. We have some 5,000 to 10,000 bushels of wheat now on hand which we want to ship at once. Have sold 5,000 bushels to arrive on the first half of Novem-

ber prices, and if we can't get it there on account of being unable to get cars, we will be subjected to considerable loss. If the railroad company would not furnish anyone, we would say nothing and make the best of it until they could, but when they issue orders to furnish the elevators with cars *only*, and shut all the others out, we kick, and kick emphatically, and if the law is not a dead letter we want it enforced, and we want our rights as free born, law abiding American citizens.

We have written the superintendent that we would not stand it. That we should refer the matter to the Railroad Commissioners, and if there was any law that would compel him to give us our proportionate amount of cars, we should have it enforced. Would like to know who the superintendent of the Northern Pacific Railroad company is, that he should have or usurp the right to say what is and what is not "legitimate business," and who should and who should not do business along the line of their road. We want some cars, and want them badly, and would like to hear from you by return mail as to whether we are going to allow this corporation to monopolize everything in direct opposition to the law or not. If their power is greater than that of our American government, we want to know it, so we can emigrate to some other part of the country.

Respectfully,

RAYMOND, KEPLER & Co.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 17, 1891.

A. J. McCabe, Superintendent Dakota Division, Northern Pacific Railroad Company, Jamestown, N. D.:

DEAR SIR: Inclosed find a copy of letter from Raymond, Kepler & Co., of Dawson, N. D.

I have been directed by the Commissioners of Railroads to inquire of you if the statements contained in this letter are true, and if so, to inquire the cause; also, to request you to furnish Messrs. Raymond, Kepler & Co. the necessary cars if it is possible to do so.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

JAMESTOWN, N. D., November 18, 1891.

M. J. Edgerley, Esq., Secretary North Dakota Railroad Commissioners:

DEAR SIR: Yours of November 17th inclosing copy of letter received by you from Raymond, Kepler & Co., Dawson, received this morning and contents noted.

Yours truly,

A. J. McCABE,
Superintendent.

JAMESTOWN, N. D., November 18, 1891.

M. J. Edgerley, Esq., Secretary Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: Your letter of November 17th received and noted. I will say that cars became very scarce at different stations on the line, and the night that I made the order to hold off on furnishing cars to track shippers for a day or two, we were 400 cars short of our orders, there being sacked grain on the ground at half dozen different stations, and Dawson having been taken care of very nicely all the season, and track buyers holding cars longer than we thought they should. Notwithstanding the fact that they were paying demurrage, we would rather have the cars than the \$3.00 per day, and the only reason why we shut down on track loading was from the fact that they were holding our cars too long. Upon receiving a letter from Messrs Raymond, Kepler & Co., assuring me that they could load their cars promptly every day, I gave them cars.

I can see nothing irregular in this arrangement.

Yours truly,

A. J. McCABE,
Superintendent.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 19, 1891.

Messrs. Raymond, Kepler & Co., Dawson, N. D.:

DEAR SIR: Inclosed find copy of letter received from A. J. McCabe, division superintendent, in answer to one written by me.

I presume you are getting all the cars you want by this time.

Yours respectfully,

M. J. EDGERLEY.

DAWSON, N. D., November 20, 1891.

M. J. Edgerley, Bismarck, N. D.:

DEAR SIR: Yours of yesterday at hand. Thanks for your interest in our behalf. McCabe has rescinded his order about furnishing cars as far as we are concerned, and I think is now doing all he can to supply us with cars. This being the case we have no further complaint to make.

Respectfully,

RAYMOND, KEPLER & Co.

Thus in every instance when a wrong existed, and the same was brought to the attention of the officers of the Northern Pacific Railroad company, they have always acted promptly to right the same. I remain,

Yours very respectfully,

GEORGE W. HARMON,
Commissioner of Railroads.

REPORT OF COMMISSIONER SLOTTEN.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, December 31, 1891.

To the Honorable the Board of Commissioners of Railroads of the State of North Dakota:

GENTLEMEN: I have the honor to submit herewith the report of my proceedings in the matter of the Farmers' Elevator company's grain warehouse at Lidgerwood, N. D., and in the matter of the application of the people of Hickson, N. D., for a depot or station building at that place, which was referred to me by you.

In the former, the matter of the grain warehouse at Lidgerwood, owned by the Farmers' Elevator company of that place, the said grain warehouse has at last been placed upon a site on the Great Northern right-of-way by mutual agreement and settlement of the matters in difference and dispute between the Farmers' Elevator company and the Great Northern Railway company, even though the following answer had been filed by the counsel

for the Great Northern Railway company, Hon. M. D. Grover, to the application for site made by the said Farmers' Elevator company, and everything connected with this matter is now arranged to the entire satisfaction of both parties :

RAILROAD AND WAREHOUSE COMMISSION,
NORTH DAKOTA.

In the Matter of the Application of A. V. Benedict for Elevator at Lidgerwood vs. Great Northern Railway Company.

The Great Northern Railway company in answer to above application alleges :

First—That an application was made to it by A. V. Benedict, or by others, for a location for an elevator at Lidgerwood; that it was at that time willing to grant the application and assign a location for such elevator upon same terms and conditions under which it has granted location for elevators in the State. It offered to give a location for an elevator on a track proper for the purpose. That no application was signed or made for such location.

Second—Disregarding the offer of the company, said A. V. Benedict, or others, constructed an elevator upon ground not owned by the company, and several feet distant from the boundary line of its right-of-way and not contiguous to or upon any existing railway track.

Third—That for the purpose of conducting its business and accommodating the public, it has a track at Lidgerwood, used for the purpose of track loading, and among other things, for the loading and unloading of grain, lumber, coal, vegetables, household goods and other freight. It also has an elevator track, and is ready upon proper application to grant permit in usual form, and such as is granted to other parties in the State, for the location and construction of another elevator at Lidgerwood.

Fourth—It has refused and still refuses to construct another sidetrack at Lidgerwood, or to construct a spur track from its existing tracks to the building or elevator constructed as aforesaid upon land not owned by it, and several feet distant from the boundary line of its right-of-way. It has refused to construct such track for the reason that the request to construct is not reasonable; that it is under no legal or public obligation to do so, and that it has ample room upon its right-of-way, and upon tracks constructed for a location of an elevator and for the accommodation of all the business at that point.

Dated this — day of June, 1891.

M. D. GROVER,
Attorney for Great Northern Railway Company.

In the matter of the application of A. M. Hovland and ninety-three others to have erected and maintained a station building at Hickson, on the line of the Chicago, Milwaukee & St. Paul railway, in the county of Cass, N. D. After some correspondence and considerable delay, the said railway company has at last erected a station building at Hickson, and while the said building is not all that the applicants desired, yet the company contends that the building is as good as it can afford at this time, but that if the crops continue to be good, and its business increases as it expects, that the company will keep up with the progress of the times and the demands of business along its lines.

HICKSON, N. D., February 10, 1891.

Chairman Railroad Commission, Bismarck :

SIR: We herewith enclose petition to you from citizens of Hickson and vicinity for a depot here. We have sent a petition to the former commis-

sioners and we were promised a depot last spring, but we have not got it yet, and we earnestly hope you will help us out in this matter as soon as possible.

Yours respectfully,

A. M. HOVLAND.

To the Honorable Board of Railroad Commissioners of the State of North Dakota:

The undersigned residents of the town of Hickson, in the county of Cass, and upon that branch of the Chicago, Milwaukee & St. Paul railroad, known as the Fargo & Southern railroad, represent that the business transacted annually in the village amounts to \$150,000, and the annual shipment of wheat therefrom amounts to 250,000 bushels; that notwithstanding said village is upon the line of said railroad, said railroad company has never erected and maintained a railroad station building at that point. Whereas, your petitioners pray that your honorable board investigate the needs of said village for a railroad station, and procure the erection of such a building as may be deemed adequate.

A. M. HOVLAND,

And 92 Others.

That in the matter of the distribution of cars the Northern Pacific Railroad company, the Great Northern Railway company, the Chicago, Milwaukee & St. Paul Railway company, the Minneapolis, St. Paul & Sault Ste. Marie Railway company and the Chicago & Northwestern Railway company, whenever any wrong was brought to their attention, acted very promptly in righting the same, and no person was allowed to remain long in want of cars when the attention of the proper officers was called to such want. I remain,

Yours respectfully,

ANDREW SLOTTEN,
Commissioner of Railroads.

REPORT OF WAREHOUSE REGISTRAR.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, December 31, 1891.

To the Honorable the Board of Commissioners of Railroads of the State of North Dakota:

GENTLEMEN: I have the honor to submit herewith the second annual report of the Warehouse Registrar for the year ending December 30, 1891.

The law contemplates (section 11, Chapter 188, Session Laws of 1890) "that the warehouseman of every public warehouse located at Grand Forks, Fargo, Wahpeton and Fairmount shall on or before Tuesday of each week cause to be made out and shall keep posted up in the business office of his warehouse, in a con-

spicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement made under oath, before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the bookkeeper thereof, having personal knowledge of the facts, to the Warehouse Registrar appointed as hereinafter provided." They are also required to make daily reports to said Registrar. None of the elevators or grain warehouses at Grand Forks, Fargo, Wahpeton or Fairmount have complied with the spirit or letter of said act, and none of the elevators or grain warehouses in the State of North Dakota have complied with the said law, except two. The Southwestern Elevator company at Sheldon, Ransom county, N. D., made daily reports to this office from the 2d day of September, 1891, to the 23d day of September, 1891, but made no weekly statement of the amount, kind and grade of grain on hand, as contemplated by law, and W. J. Hawk, of Buffalo, Cass county, N. D., who made daily reports from the 18th day of September, 1891, to the 28th day of December, 1891, but made no weekly statements of the amount, kind and grade of grain on hand each week, as contemplated by law.

For these reasons it is impossible to make any statement of the amount of grain stored in elevators or shipped therefrom during the year ending December 30, 1891.

Very respectfully,

M. J. EDGERLEY,
Warehouse Registrar.

REPORT OF CHIEF GRAIN INSPECTOR.

GRAND FORKS, N. D., December 21, 1891.

To the Honorable Commissioners of Railroads of the State of North Dakota :

GENTLEMEN: In compliance with the laws of 1890 and the rules adopted by your honorable body, I have the honor to submit my first annual report as Chief Grain Inspector of the State of North Dakota. Owing to certain events the report will of necessity be very short and concise. Acting in accordance with law on the — day of August, A. D. 1891, I appointed the following named deputies, subject to the approval of your honorable body, viz: William Clone, of Larimore, chief deputy for Grand Forks; Charles A. Roberts, of Fargo, as chief deputy for Fargo; Chris. Olson, of Dwight, as chief deputy for Wahpeton, and D. F. Ellsworth, of Forman, as chief deputy for Fairmount.

Our earliest opportunity of putting the grain inspection law in force was on the 7th day of September. Early in the morning of that day I went to the Great Northern Railway company's freight yards in Grand Forks, accompanied by Deputies Clone, Olson and Ellsworth, and requested Freight Agent Weeks to designate and open the seals of the cars containing grain in the train which was standing on a side track awaiting the time for its departure for Minnesota points. Agent Weeks refused to comply, stating that his orders were such that he could not give us any information whatsoever, or comply with our demands. We then made a similar request of the conductor in charge of the train, which he refused substantially upon the same grounds as those given by Agent Weeks. We then took the initials and numbers of the cars in the train, which had the appearance of containing wheat, and left the yards as the train was pulling out for Minnesota. We returned in the afternoon and made a similar request as to a train which was then being made up for the east, and met with the same reception that we did in the morning, and after repeating the morning's tactics, retired in good order. From thence we proceeded to the Northern Pacific Railway company's freight office and made the same request of Mr. McGowan, the agent in charge, that we did of the Great Northern company's agent, and met with a polite but firm refusal. Agent McGowan stated that his orders from headquarters were to refuse to comply, and of course he would have to obey orders. Thence we proceeded to the crossing to intercept the freight train that was due to arrive about 5:30 o'clock p. m., but for some unaccountable reason the train was three hours late. As the night was very dark, we did not attempt to inspect the same. During the afternoon Chief Deputy Clone inspected two carloads of wheat on the Great Northern company's sidetrack at Brooks Bros' elevator. He then notified Freight Agent Weeks of the inspection, giving him the destination, initials and numbers of the cars, and demanded that he collect 50 cents per car at the terminal point as advance charges for inspection fees, in accordance with the statute made and provided and rule 10, which said agent refused to do.

Leaving Grand Forks in charge of assistant deputies, we boarded the 6 o'clock a. m. train for Fargo to attempt to enforce the grain inspection laws at that point. Arriving at Fargo at about 8:45 a. m., we were cordially received at the depot by the Deputy United States Marshal, who served the following papers upon us:

UNITED STATES OF AMERICA, }
 District of North Dakota. } ss.

The President of the United States of America to George H. Walsh, George W. Harmon, Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Greeting:

We command you, and each of you, that you appear before the judges of the circuit court of the United States for the district of North Dakota, at Fargo on the first Monday in October next, it being the 5th day of October, A. D. 1891, to answer to the bill of complaint of the Northern Pacific Railroad company, this day filed in the office of the clerk of said court, and then and there to receive and abide by such order and decree as shall then or thereafter be made, upon pain of the said bill being taken as confessed against you and decree pronounced accordingly.

Witness, the Hon. Melville W. Fuller, chief justice of the supreme court of the United States, at Fargo, this 7th day of September, A. D. 1891, and of the independence the 116th year.

J. A. MONTGOMERY,
Clerk.

[SEAL.]

MEMORANDUM.

The above named defendants are notified that unless they enter their appearance in the clerk's office of said court, at Fargo aforesaid, on or before the day to which the above writ is returnable, as above stated, the complaint will be taken against them as confessed, and a decree entered thereon accordingly.

J. A. MONTGOMERY,
Clerk.

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States in and for the district of North Dakota, do hereby certify that the foregoing is a true copy of the subpoena in chancery issued in the cause therein named.

In testimony whereof, I hereunto subscribe my name as clerk, and affix the seal of said court. Done at my office in Fargo in said district, this 7th day of September, A. D. 1891.

J. A. MONTGOMERY,
Clerk.

[SEAL.]

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

The President of the United States of America to George H. Walsh, George W. Harmon, Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson, D. F. Ellsworth, Greeting :

We command you, and each of you, that you appear before the judges of the circuit court of the United States, for the District of North Dakota, at Fargo on the first Monday in October next, it being the 5th day of October, A. D. 1891, to answer to the bill of complaint of the Great Northern Railway company this day filed in the office of the clerk of said court, and then and there to receive and abide by such order and decree as shall then or thereafter be made, upon pain of the said bill being taken as confessed against you and decree pronounced accordingly.

Witness, the Hon. Melville W. Fuller, chief justice of the supreme court of the United States, at Fargo, this 7th day of September, A. D. 1891, and of the independence the 116th year.

J. A. MONTGOMERY,
Clerk.

[SEAL.]

MEMORANDUM.

The above named defendants are notified that unless they enter their appearance in the clerk's office of said court, at Fargo aforesaid, on or before

the day to which the above writ is returnable, as above stated, the complaint will be taken against them as confessed, and a decree entered thereon accordingly.

J. A. MONTGOMERY,
Clerk.

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States in and for the district of North Dakota, do hereby certify that the foregoing is a true copy of the subpoena in chancery issued in the cause therein named.

In testimony whereof, I hereunto subscribe my name as clerk and affix the seal of said court. Done at my office in Fargo in said district, this 7th day of September, A. D. 1891.

[SEAL.]

J. A. MONTGOMERY,
Clerk.

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the annexed copy of restraining order, etc., with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed at the city of Fargo, in said district, this 7th day of September, 1891.

[SEAL.]

J. A. MONTGOMERY,
Clerk.

UNITED STATES CIRCUIT COURT, }
District of North Dakota. }

Northern Pacific Railroad Company, Complainant, vs. George H. Walsh, George W. Harmon and Andrew Slotten, Railroad Commissioners of the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Grain Inspectors of North Dakota, Defendants.

To the above named defendants and each of them :

Having read the bill in the above cause, duly verified, and being fully advised in the premises, it is hereby ordered that until the further order of the court herein, you, the said defendants, and each of you, be and you are hereby restrained and enjoined from stopping or attempting to stop the car or cars of said complainant, loaded with or containing wheat or other grain, when such wheat or other grain is consigned to or destined to any point without the State of North Dakota, or from breaking the seal or seals of any such car or cars, or from in any manner interfering with or attempting to interfere with the movements of the same; or from inspecting or attempting to inspect the same.

It is further ordered, that you, and each of you, appear before this court on Thursday, September 10, 1891, at Fargo, North Dakota, at 10 o'clock a. m., then and there to show cause, if any you have, why a preliminary writ of injunction restraining you, and each of you, from doing any of the acts aforesaid should not issue against you, and each of you, during the pendency of this writ.

This order to be in force from and after filing with the clerk of this court a bond to be approved by the clerk in the sum of five thousand dollars. to answer for costs and damages, if any.

Done this 7th day of September, A. D. 1891.

ALFRED D. THOMAS,
Judge.

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the annexed copy of restraining order, etc., with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed at the city of Fargo in said district, this 7th day of September, 1891.

J. A. MONTGOMERY,
Clerk.

UNITED STATES CIRCUIT COURT, }
District of North Dakota. } IN EQUITY.

The Great Northern Railway Company, Plaintiff, vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain for said State of North Dakota, Defendants.

The Great Northern Railway company, a corporation organized and existing under the laws of the State of Minnesota, whereof it is a resident, having filed its bill of complaint in this court, against the defendants, George H. Walsh, George W. Harmon and Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, as Commissioners of Railroads and Inspectors of Grain in and for said State of North Dakota, whereof they, and each of them, are residents and citizens, praying for an injunction and temporary restraining order, restraining and enjoining them, and each of them, the defendants above named, and each of their agents, deputies and servants, from doing or performing any of the acts hereinafter enumerated, and the court being advised in the premises, plaintiff having filed a bond in the sum of five thousand dollars, which is hereby approved;

Now, therefore, you and each of you, the defendants above named, and each and every of your agents, deputies and servants, are hereby restrained and enjoined until the further order of this court, from stopping, obstructing, hindering, impeding or interfering with any car or cars, train or trains, loaded with wheat or other kind of grain or merchandise, destined to be transported or in transit from any point or place in the State of North Dakota to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, and from instituting or prosecuting in the courts of said State of North Dakota, any suit or proceeding to compel or cause said Great Northern Railway company, its agents or servants, to stop, obstruct, unseal or open any such car or cars, and from in any manner hindering, impeding, obstructing or delaying said Great Northern Railway company in the performance of its duties to the public as a common carrier, and you, and each of you, are further ordered to show cause before this court at the city of Fargo, in said State of North Dakota, on Thursday, the 10th day of September, at 10 o'clock in the forenoon of said day, why a provisional and preliminary injunction should not issue.

restraining you, and each of you, your agents, deputies and servants, from doing and performing each and every of said acts hereinbefore recited.

Dated September 7, 1891.

ALFRED D. THOMAS,
Judge.

After consulting with Deputies Clone, Roberts, Olson and Ellsworth upon the situation, I wired Secretary Edgerley of the service of the restraining orders, etc., and asked for instructions. Within a short time we received a telegraphic message from Chairman Walsh instructing us to proceed to Fairmount and inspect the Chicago, Milwaukee & St. Paul and the "Soo" roads at that point. We arrived at Fairmount on the morning of the 9th inst. We requested the station agent of the Milwaukee road that he stop the south bound train a sufficient length of time to allow us to inspect the cars containing wheat on said train. He telegraphed to headquarters for orders, and received instructions not to comply with our demands. When the train arrived we made the same demand of Conductor Ryan, who was in charge of said train, and he also refused to comply. We then took the initials and numbers of the cars containing wheat, thence went to the "Soo" depot, made a similar request of the station agent and the conductor in charge of the east-bound train on that road, and met with the same reception. We then repeated our program and departed in peace.

Chief Deputy Ellsworth inspected a carload of wheat standing on the Milwaukee road sidetrack at the National Elevator company's elevator, and one car loaded with wheat standing on the "Soo" Railway company's sidetrack at this point, and demanded of the agents of the respective roads that they collect the inspection fee of 50 cents on each car at the terminal points as advance charges, which demand was not complied with.

After the hearing of the injunction cases before the United States court at Fargo and the service of the following legal papers upon me, I instructed my deputies to repair to their respective homes and await further orders. Respectfully submitted,

J. D. WINEMAN,
Chief Grain Inspector.

UNITED STATES CIRCUIT COURT, }
District of North Dakota. }

The Northern Pacific Railroad Company vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota.

The President of the United States to George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota:

Whereas, In the above entitled cause now pending in said United States circuit court in and for the district of North Dakota, upon application duly made to the court, it was on the 14th day of September, 1891, ordered that a preliminary writ of injunction issue therein as prayed for in the bill of complaint herein filed and as directed in said order;

Now, therefore, know ye that you, George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota, your agents, servants and attorneys, and each of you, are hereby strictly restrained and enjoined from stopping, obstructing or in any manner interfering with any car or cars, train or trains loaded with wheat or other kind of merchandise, destined to be transported or in transit from one point or place in the State of North Dakota to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, or in any manner hindering, impeding or obstructing said plaintiff, the Northern Pacific Railroad company, in the performance of its duties to the public as a common carrier, and you, and each of you, are hereby commanded that you do desist and refrain from doing or causing to be done all or any of the acts and things hereinabove recited and set forth, until the further order of the court in the premises.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 18th day of September, 1891, and the seal of said circuit court in and for the district of North Dakota.

J. A. MONTGOMERY,
Clerk.

[SEAL.]

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the annexed copy of the preliminary writ of injunction in the above entitled cause, with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed, at the city of Fargo in said district, this 21st day of September, 1891.

J. A. MONTGOMERY,
Clerk.

[SEAL.]

By H. G. EDWARDS, Deputy.

UNITED STATES CIRCUIT COURT, }
District of North Dakota. }

The Great Northern Railway Company vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota.

The President of the United States to George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota :

Whereas, In the above entitled cause, now pending in said United States circuit court in and for the district of North Dakota, upon application duly made to the court, it was on the 14th day of September, 1891, ordered that a preliminary writ of injunction issue therein as prayed for in the bill of complaint herein filed and as directed in said order;

Now, therefore, know ye that you, George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota, your agents, servants and attorneys, and each of you, are hereby strictly restrained and enjoined from stopping, obstructing, or in any manner interfering with any car or cars, train or trains loaded with wheat or other kind of grain or merchandise, destined to be transported or in transit from one point or place in the State of North Dakota, to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, or in any manner hindering, impeding or obstructing said plaintiff, the Great Northern Railway company, in the performance of its duties to the public as a common carrier, and you and each of you are hereby commanded that you do desist and refrain from doing or causing to be done, all or any of the acts and things herein above recited and set forth, until the further order of the court in the premises.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 18th day of September, 1891, and the seal of said circuit court in and for the district of North Dakota.

J. A. MONTGOMERY,
Clerk.

[SEAL]

UNITED STATES OF AMERICA, }
District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the foregoing copy of the preliminary writ of injunction in the above entitled cause, with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed, at the city of Fargo in said district, this 21st day of September, 1891.

[SEAL]

J. A. MONTGOMERY,
Clerk.
By H. G. EDWARDS, Deputy.

CASES PENDING IN COURT AT THE CLOSE OF THE LAST REPORT.

The following decision and judgement were filed in the following entitled cause, and for a history of said proceeding you are respectfully referred to the report of the Commissioners of Railroads of this State for the year 1890, pages 17 to 20:

STATE OF NORTH DAKOTA, }
County of Grand Forks. } ss. In District Court, First Judicial District.

State of North Dakota on the Relation of George F. Goodwin, Plaintiff,
against The Great Northern Railway Company, a Corporation, and the
Northern Pacific Railway Company, a Corporation, Defendants.
Memorandum of decision in the district court of Grand Forks county.

This court granted an alternative writ of mandamus commanding the defendants to connect their respective railroad lines at the point of their intersection in the city of Grand Forks by constructing a "Y," transfer switches, etc., or show cause at a date certain why they had not done so. At the date fixed in the alternative all parties appeared. The Northern Pacific Railroad company filed an answer signifying its willingness to comply with the order of the Railroad Commissioners in question.

The Great Northern Railroad company filed an answer setting forth reasons why it should not be, and could not be compelled to comply with the Commissioners' order. By direction of the court the Attorney General replied to the answer of the Great Northern Railway company, and the reply admits portions of the answer.

Upon the pleadings a motion was made by counsel for the Great Northern Railway company to quash the alternative writ and dissolve the proceedings. I have considered the question involved with as much care as my time would permit, and have come to the conclusions that the motion must be granted.

This controversy arises under Chapter 122, Laws of 1890, regulating common carriers and defining the duties of the Commissioners of Railroads in relation thereto. Sections 3 and 10 of said chapter are the particular provisions upon which the Attorney General relies to authorize this proceeding. Section 3 requires railway companies operating intersecting roads to construct "Ys" and switches for the purpose of transferring cars, etc., from one road to the other. Counsel for defendant denies that said section is valid in its entire scope, and particularly insists that it cannot be enforced when the respective companies do not own or control sufficient land necessary for use in the construction of such "Ys," switches, etc.

Just how far the legislature of a state may regulate the business of common carriers is not settled. Limiting the operation of said section to those cases where the business to be transacted at the point of intersection is of such a character and of such an amount, so that it can be fairly said that transfer facilities are reasonably necessary for the promotion of the convenience and accommodation of the public, I am of the opinion that the requirements of said section may be enforced, notwithstanding companies affected may be obliged to buy or condemn land for the purpose, provided, perhaps, there are no serious natural obstacles to be overcome.

The burden imposed must in each case, of course, be reasonable.

Whether the regulation attempted to be enforced is a reasonable one is ultimately a question for the courts, unless waived by the carrier.

The Chicago, Milwaukee & St. Paul Railway Company vs. The State of Minnesota *ex rel.* Railroad Commissioners, 134 U. S. 418 (33 L. C. ed. 970).

Chicago & Northwestern Railway vs. Dey *et al.*, 35 Fed. 866.

Ex parte Koshler, 21 Am. & Eng. R. R. cases 52.

See, also,

Sec. 142, Constitution of North Dakota.

The order of the Railroad Commissioners attempted to be enforced in this case is as follows:

R R Comrs 22

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., May 16, 1890.

To the Great Northern Railway Co., and the Northern Pacific Railroad Co.,
St. Paul, Minn.:

Whereas, The citizens of Grand Forks, in the State of North Dakota, have petitioned the Board to cause "Ys" and transfer switches and proper transfer facilities to be put in and constructed at the crossing of your said railroads in the said city of Grand Forks; and

Whereas, This Board having duly investigated said matter and the necessity for transfer facilities, and in the judgment of this Board the same is reasonable and expedient in order to promote the convenience and accommodation of the public;

Now, therefore, You and each of you are ordered and notified, pursuant to a resolution adopted by this Board, to forthwith provide, construct and put in at the point of crossing of your said railroads in the city of Grand Forks, county of Grand Forks, and State of North Dakota, the necessary "Ys," transfer switches and all other necessary facilities for transferring cars from each of said roads to the other and to afford all equal and reasonable facilities for interchange of cars and traffic between your respective lines of road at said point. Said "Ys," transfer switches and all other transfer facilities hereinbefore mentioned to be completed within thirty (30) days from the date of the service of this notice.

GEO. S. MONTGOMERY,
Chairman.

Attest:
HARVEY HARRIS,
Secretary.

The commissioners gave the defendants no notice prior to the making of the order, and the defendants had no opportunity to be heard before the commissioners. Does Section 10 authorize such proceedings on the part of the commissioners, and also authorize the court to enforce the order by mandamus? Counsel for the Great Northern Railway company strenuously argues that Section 10 confers no such authority, and that the only remedies for violation of the mandates of Section 3, and the orders of the Railroad Commissioners, are by criminal prosecution under Sections 12 and 16 of said chapter, or by action by some person aggrieved, directly against the common carrier, or through the commissioners by petition, as provided in Sections 11, 13, 14 and 15.

This contention is also supported by a dictum in State *ex rel.* Ketchum vs. St. P., M. & M. Ry. Co. *et al.*, 42 N. W. 21, where the supreme court of Minnesota discusses a similar statute. Counsel lay particular stress upon the last part of said Section 10 wherein it reads * * * "then the commissioners may, in their discretion, cause suits or proceedings to be instituted to enforce its orders *as provided in this act.*"

Upon this point I hold against the defendants for the reason that under the provisions of subdivision "G" of Section 8 the commissioners may apply to the court for a mandamus to compel a common carrier to comply with their orders regulating rates, etc., and the latter part of Section 10 may with equal reason be held so far as language and context is concerned, to refer to the proceedings authorized in said subdivision "G" as to those authorized by Sections 11, 12, 13, 14, 15 and 16, and with much greater reason when we consider the purpose and spirit of the law, for it furnishes a direct and speedy remedy to enforce compliance with reasonable orders and recommendations of the nature now under consideration.

In other words, under Section 10 the commissioners may, of their own motion, investigate the manner of conducting its business by a common carrier, and the court may enforce by mandamus all reasonable orders which, when carried into operation, would promote the "security, convenience and accommodation of the public."

The common carrier, doubtless, would also be subject to the penalty prescribed in Section 12 if it should willfully refuse to comply with such reasonable order. The proper construction then would seem to be that Sections 11, 13, 14 and 15 may be invoked by any particular person, firm, association, society or corporation (private or municipal) to redress an individual injury and possibly to enforce a public duty.

When a petition is presented to the commissioners under Section 13, the statute is mandatory that they shall act, while under Section 10 it is within the discretion of the commissioners whether or not they will institute proceedings to enforce their orders, thus plainly showing that it was the intent of the legislature to give the commissioners power to set the machinery of law in motion without sitting inactive until some outside party should present a complaint or petition.

It is also urged that the order of the commissioners imposes no duty upon the common carrier, but that the law itself imposes the duty. In a sense this is true, for behind the order as a basis for it, stands the law; but under the peculiar provisions of the law itself, affirmative action on the part of the commissioners is necessary before the aid of a court can be invoked to enforce many of the requirements of the law. Without an order or recommendation of the commissioners the court will not, and probably cannot act, as far as regarding a common carrier to increase its facilities for serving the public is concerned, and the relief which the court will grant, if any, must be limited by the scope of the order of the commissioners.

It is then the order may be enforced, and unless an appeal is taken within sixty days after notice of such order the aid of the court may be invoked to enforce compliance with the order. No appeal was taken in this case and the defendants must be held to have waived the right to introduce evidence at this time as to the necessity for or reasonableness of the order.

It must be remembered that the subdivision "H" of Section 8 of our law is not in the Minnesota law, and therefore the point upon which the case of the Chicago, Milwaukee & St. Paul Railway company vs. The State of Minnesota, *ex rel.* Commissioners, 134 U. S., 418, turned is not applicable in this case.

Subdivision "H" aforesaid expressly provides for a hearing before the court on appeal from the commissioners' order.

It is further contended that the Great Northern Railway company is not subject to the operation of Sections 3 and 10 by reason of certain provisions in the charter of the St. Paul, Minneapolis & Manitoba Railway company (incorporated under the laws of the territory of Minnesota), the former having succeeded to the rights of the latter as lessee. The provisions of said chapter upon which counsel relies, are as follows: "That all affairs of said corporation shall be managed by a board of directors, etc., which board is vested with all the powers of said corporation. That said company shall have power to make,

ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the purposes and carrying into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interests of the company. Also, that the construction of wheels, form and size of cars, the weight of loads, the rate of speed, terms of running, *connections with other railroads*, and all other matters and things respecting the use of said railway shall be in conformity with such rules and regulations as said board of directors shall from time to time determine and establish.

"That the act is to be a public act; that it shall be favorably construed to effect the purpose intended."

It is admitted by the reply that the foregoing provisions are in the charter, and there is no provision in the act giving the then territory or the state of Minnesota any power, right or authority to alter, amend or repeal the same or any part thereof.

Counsel's argument that the effect of the statute and order of the commissioners, if enforced in this case, will impair the obligation of the contract contained in the charter, strikes my mind with much force, but I am compelled to rule the point against the defendant by reasons of the decisions of the federal supreme court.

Stone vs. Farmers' Loan & Trust Co., 116 U. S. 307.

Stone vs. Illinois Central Railway Co., 116 U. S. 347.

Stone vs. New Orleans & Northwestern Railway Co., 116 U. S. 352.

Chicago, Milwaukee & St. Paul Railway Co. vs. State of Minnesota
ex rel. Railroad Commissioners, 134 U. S. 418.

The Minneapolis & Eastern Railway Co. vs. State of Minnesota, 134
U. S. 467.

Does the alternate writ recite facts sufficient to authorize the court to grant a peremptory writ? The objection raised that it does not appear upon the face of the alternative writ that the Great Northern Railway has *power* to condemn land, build "Ys," etc., is not well taken.

Prima facie every common carrier doing business in this State, whether as owner or lessee, has not only the power, but it is a duty to comply with every lawful order of the Railroad Commissioners, and if for any reason such common carrier is exempt from the requirements of such order the exemption must be affirmatively established by the corporation.

The duties and privileges of a lessee are co-extensive with those of the owner of the road.

12 Vroom., 248.

1 Red. on Railways, 142.

Railroad Company vs. Brown, 17 Wall. 450.

Stone vs. Illinois Central Railway Co., 116 U. S. 347.

As an additional reason for holding said alternative writ insufficient, counsel for the Great Northern Railway company says: "The connecting track would be useless unless each company can be required to permit its tracks to be used by the other company, and also permit its cars to be diverted from its tracks to the tracks of the other company, and this is not only for

business local to Grand Forks, but for business at any point on their respective lines.

"The act so far as it requires this to be done is void. One railroad company cannot be compelled to issue through bills and through routing over the lines of another. Its obligation is limited to transporting freight and passengers over its own line. In short, one carrier cannot be compelled to enter into contract with another. One carrier cannot be compelled to deliver its cars to another."

In support of these propositions counsel cite

Kentucky & I. Bridge Co. vs. Louisville & N. Ry. Co., 37 Fed. 567.

See, also,

Little Rock & Memphis R. R. Co. vs. St. Louis, Iron Mountain & Southern Ry. Co. *et al.*, 42 Am. and Eng. R. R. Cases, 490.

The interstate commerce law was under consideration in those cases, and it was held that it was not the intention of congress by that act to require carriers to issue through billing and through routing over the lines of another road. It was not held that congress could not pass an act requiring through billing and through routing.

The statute under consideration is not like the interstate commerce law; but it is not necessary for us to inquire whether under the State law common carriers can be required to issue through billing and through routing over connecting roads, between points local within the State, for that question is not necessarily involved in this controversy.

Section 3 plainly requires common carriers, operating connecting roads' to haul each others' cars when required, and though it be held that the court cannot compel such carriers to contract with reference to shipping, I think that carrier to whom a car is tendered must be compelled, under this statute, to haul it at reasonable rates.

Atchison, etc. R. R. Co. vs. Denver, etc. R. R. Co., 110 U. S. 667.

It must follow, if a connecting carrier can be compelled to haul the cars of another, that, when circumstances reasonably demand it, carriers operating intersecting roads may be required to furnish transfer facilities.

There seems to be no good reason why a connecting carrier may not be compelled to haul the cars of another company for a reasonable compensation, when tendered at the proper place, in the same manner that it may be required to transport any other subject of commerce.

It is further claimed that if the order of the commissioners is enforced, the result of such proceeding will be to take the property of defendants without compensation for the benefit of others. The point is not well taken. The improvement will be the property of the defendants, "and their compensation for all their outlays is in their freights and fares."

Commonwealth vs. Eastern Ry. Co., 103 Mass. 254.

This brings us to the consideration of two other propositions advanced by counsel for the Great Northern Railway company, both of which I think must be sustained.

First—The order of the commissioners is not sufficiently definite and specific to be enforced by mandamus. If there be but one defendant this point would be of no force, but there are two defendants here whose interests are conflicting as their separate answers in this proceeding show. One is anxious to have the "Ys," etc., put in, and signifies its willingness to comply with the commissioners' order; the other resists the order and insists, not only that the order cannot be enforced, but that there is no public necessity for such improvement.

Under this order and alternative writ, what portion of the work must the Great Northern Railway company perform; what part the Northern Pacific; how many tracks must the former lay—how many the latter; how many switches must the former lay—how many the latter; at what exact point on one road to what exact point on the other shall the connecting track be built; must each company condemn the right-of-way; if so, what portion respectively; which defendant shall pay for the work; if both, what portion must each contribute?

It seems to me that both the order and the alternative writ are void for uncertainty.

Prople etc. vs. Greene, 54 N. Y. 152.

Roxbury vs. R. R. Co., 2 Gray, 460.

Diamond Match Co. vs. Powers, 16 N. W. 314 (Mich.)

State vs. Missouri Pac. Ry. Co. et al., 5 Pac. 772 (Kan.)

State vs. Minneapolis & St. Louis Ry. Co., 39 N. W. 153 (Minn.)

Second—The proceedings should have been instituted upon the relation of the Railroad Commissioners and not upon the relation of the Attorney General. The whole scheme of the statute under consideration is to give the Railroad Commissioners supervisory control of common carriers so far as protecting the interests of the public are concerned.

Subdivision "G" of Section 8 expressly provides that the commissioners are the proper parties complainants in proceedings to enforce their orders regarding rates. There is no reason why any different rule should obtain in proceedings by mandamus to force other lawful orders of the commissioners, and in my opinion the last clause of Section 10 refers to subdivision "G," and contemplates proceedings by mandamus to enforce orders pursuant to Section 10 shall be instituted by the same parties relators as are mentioned in said subdivision "G."

Chapter 126, Laws of 1890, was not mentioned by either side in the argument, and as that law, if held to be unrepealed, could not affect the ruling in this case in favor of defendants, I have not considered its bearing, if any, upon the questions here involved. Judgment will be rendered dismissing the proceedings.

TEMPLETON,
Judge.

STATE OF NORTH DAKOTA, }
 County of Grand Forks. } In District Court, First Judicial District.

State of North Dakota on the Relation of George F. Goodwin, Attorney General, Plaintiff, vs. The Great Northern Railway Company, Defendant
 Order Quashing Alternative Writ of Mandamus.

The alternative writ of mandamus in the matter above entitled having been made returnable on the 14th day of October, A. D. 1890, and on said date the matters in controversy having come on for hearing before the court, the plaintiff being represented by Hon. George F. Goodwin, Attorney General, for the State, and the defendant being represented by Hon. M. D. Grover and Hon. W. E. Dodge, its attorneys, and a motion to quash said alternative writ having been filed by defendant's attorneys based upon the ground among others, that the act of the legislature of the State of North Dakota, recited in said alternative writ has been repealed by the provisions of Chapter 122, Laws of 1890, of said State, approved March 19, A. D. 1890, and having heard defendant's attorneys in support of said motion and plaintiff's attorney in opposition thereto, and the court having duly considered the same: Ordered that said alternative writ be and the same is hereby granted and all proceedings connected therewith are hereby dismissed.

Dated at Grand Forks, North Dakota, this 18th day of October, A. D. 1890.

CHARLES F. TEMPLETON,
 Judge.

[SEAL]

Attest: L. K. HASSELL, Clerk.
 By J. B. WINEMAN, Deputy

STATE OF NORTH DAKOTA, }
 County of Grand Forks. } In District Court, First Judicial District.*

State of North Dakota on Relation of George F. Goodwin, Attorney General, Plaintiff, vs. The Great Northern Railway Company, Defendant.

Final Judgment.

This proceeding came up for hearing before the court at the city of Grand Forks on the 14th day of October, A. D. 1890, at 10 o'clock a. m., upon defendant's motion to quash and set aside plaintiff's alternative writ of mandamus, theretofore granted by the court, commanding said defendant to transport a certain carload of coal between certain points of the defendant's line of railroad at certain rates for transportation, specified in said writ, or show cause before the court on said return date, at said city of Grand Forks, why it had not done so. George F. Goodwin, Esq., Attorney General, appeared for the plaintiff, and W. E. Dodge, Esq., for defendant. Upon arguments being made by attorneys for the respective parties, the court being fully advised in the premises, rendered its decision in writing in favor of the defendant and against the plaintiff, quashing said alternative writ of mandamus upon the ground that the act of the legislature of the State of North Dakota, upon which plaintiff's remedy was based and upon which said writ was granted had been, prior to the granting of said writ, repealed by the legislature of said State, and by and through the provisions of Chapter 122 of the Laws of 1890 of said State, approved March 19, 1890, and said decision having been filed with the clerk of this court, and no further proceedings having been had or further remedy sought by the plaintiff; now, therefore, upon motion of W. E. Dodge, attorney for defendant, it is ordered and adjudged that the defendant have and recover the sum of nineteen and eighty one-hundredths dollars (\$19.80) as costs and disbursements, taxed and allowed

in said action or proceeding, and that said writ of mandamus be and the same is hereby dismissed.

Dated this 19th of February, A. D. 1892.

CHARLES F. TEMPLETON,
Judge.

Attest: S. K. HASSELL, Clerk.

By J. B. WINEMAN, Deputy.

* For the commencement and history of this case see pages 56 and 57, Report Commissioners of Railroads for the year 1890.

LIGNITE COAL TARIFFS.

Rate in Cents per 2,100 lbs. in Car Load Shipments of 21,000 lbs. or over.

To—	From—		To—	From—	
	Sims.	Dick'on		Sims.	Dick'on
Cotters N. D.	2 05	2 30	Sykeston N. D.	1 75	2 00
Horace "	2 10	2 35	Barlow "	1 70	1 95
Warren "	2 15	2 40	New Rockford... "	1 75	2 00
Davenport..... "	2 15	2 40	Sheyenne..... "	1 85	2 10
Woods "	2 15	2 40	Oberon "	1 90	2 15
Leonard "	2 15	2 40	Lallie "	1 95	2 20
Sheldon "	2 05	2 30	Minnewaukan... "	2 00	2 25
Buttzeville..... "	1 95	2 20	Leeds "	2 15	2 40
Lisbon "	1 90	2 15	Eldridge "	1 25	1 50
Marshall "	1 85	2 10	Windsor "	1 20	1 45
Verona "	1 75	2 00	Cleveland "	1 15	1 40
Valley Junction.. "	1 70	1 95	Crystal Springs.. "	1 15	1 40
La Moure "	1 70	1 95	Tappen "	1 10	1 35
Edgeley..... "	1 85	2 10	Dawson "	1 10	1 35
Oakes "	1 85	2 10	Steele "	1 10	1 35
Grand Rapids.... "	1 65	1 90	Geneva "	1 10	1 35
Dickey "	1 55	1 80	Driscoll "	1 10	1 35
Adrian "	1 50	1 75	Sterling "	1 10	1 35
Montpelier "	1 45	1 70	Menoken "	1 10	1 35
Ypsilanti..... "	1 40	1 65	Apple Creek..... "	1 00	1 25
Fargo "	2 00	2 25	Bismarck "	1 00	1 25
Haggart "	2 00	2 25	River Landing... "	1 00	1 25
Mapleton "	1 90	2 15	Mandan..... "	75	1 00
Dalrymple "	1 85	2 10	Sunny Side "	50	1 00
Casselton..... "	1 85	2 10	Sweet Briar..... "	50	1 00
Sidney "	1 85	2 10	Sedalia "	50	1 00
Wheatland "	1 80	2 05	New Salem..... "	50	1 00
Buffalo "	1 75	2 00	Blue Grass..... "	50	1 00
Tower City..... "	1 70	1 95	Sims "	00	1 00
Oriska "	1 65	1 90	Almont "	50	1 00
Alta "	1 60	1 85	Curlew "	50	1 00
Valley City "	1 55	1 80	Kurtz "	50	95
Hobart "	1 50	1 75	Glenullen "	75	90
Sanborn "	1 50	1 75	Eagle's Nest..... "	80	80
Odell "	1 55	1 80	Hebron "	80	80
Dazey "	1 65	1 90	Knife River..... "	80	80
Hannaford "	1 70	1 95	Antelope "	1 00	75
Cooperstown..... "	1 75	2 00	Richardton..... "	1 00	75
Eckelson "	1 45	1 70	Taylor "	1 10	75
Urbana "	1 40	1 65	Gladstone "	1 10	75
Spiritwood..... "	1 40	1 65	Dickinson..... "		00
Bloom "	1 35	1 60	Eland "		50
Jamestown..... "	1 30	1 55	South Hart "		50
Parkhurst..... "	1 35	1 60	Belfield "		50
Buchanan "	1 40	1 65	Fryburg "		50
Pingree "	1 45	1 70	Sully Springs... "		50
Edmunds..... "	1 50	1 75	Scoria "		50
Melville "	1 55	1 80	Medora "		75
Carrington..... "	1 65	1 90	Little Missouri.. "		75
Ross "	1 70	1 95			

The foregoing special tariff on lignite coal, bearing date December 1, 1890, took effect and was put in force on December 7, 1890, by the Northern Pacific Railroad company over its lines in the State of North Dakota, and this tariff having created a great deal of dissatisfaction amongst the people of Morton and Burleigh counties.

The lignite coal dealers of Bismarck, Mandan and Sims complained and stated "that if the Northern Pacific Railroad company could afford to haul lignite coal from Dickinson to Sims, a distance of seventy-four miles, for 25 cents per ton, it could afford to haul the same kind of coal from Sims to Mandan, a distance of thirty-five miles, for a great deal less than 75 cents per ton, and from Sims to Bismarck, a distance of forty miles, for a great deal less than \$1.00 per ton, and that if this rate was persisted in by the Northern Pacific Railroad company it would close up the mines at Sims and drive the miners at that place out of the business."

The foregoing condition of things existing at the commencement of the year and up to the 14th day of April, 1891, the Board on that date decided to visit St. Paul and see the general traffic manager of the Northern Pacific railroad, J. M. Hannaford, for the purpose of securing a reduction of the tariff on lignite coal from Sims east, and on the 15th day of April, 1891, the Board arrived in St. Paul and visited the general offices of the Northern Pacific Railroad Company for the purpose aforesaid, but Mr. Hannaford being out of the city no conclusion could be arrived at at that time. The Board, however, discussed the matter with Mr. S. L. Moon, the general freight agent of said company. Mr. Moon informed the Board that Mr. Hannaford would return and be in St. Paul about the 27th of the month, at which time the Board again returned to St. Paul and was informed by Mr. Moon that Mr. Hannaford would be in his office on the 29th, at which time the Board visited Mr. Hannaford's office and met him, when the Board presented the foregoing facts to Mr. Hannaford, who then stated "that it would be impossible to reduce the rates on lignite coal from Sims east; that the company was not making anything on this traffic and could not reduce the rates, but that it would be simply justice to the people of Sims and east of them to increase the rates from Dickinson to Sims," and then presented to the Board the following special tariff on lignite coal, and said "that if the Board would agree to this tariff it would go into effect on or about the 15th day of May, 1891, and that was the best that the company could do in the matter," and that if the Board would endorse this tariff at their first meeting in Bismarck the same would be put into force and effect at the time stated. The Board then stated that if this was the best the company could do, that they would endorse the same at their first meeting in Bismarck.

At the meeting of the Board on the 1st day of May, 1891, the following resolution was unanimously adopted:

Resolved, That the schedule of rates on transportation of Lignite coal within the State of North Dakota, established by the Northern Pacific Railroad company, April 29, 1891, be and the same is hereby approved by this Board.

Rate in Cents per 2,100 lbs. in Car Load Shipments of 21,000 lbs. or over. May 15, 1891.

To—	From—		To—	From—	
	Sims.	Dick'on		Sims.	Dick'on
Cotters N. D.	2 05	2 30	Sykeston N. D.	1 75	2 00
Horace "	2 10	2 35	Barlow "	1 70	1 95
Warren "	2 15	2 40	New Rockford ... "	1 75	2 00
Davenport "	2 15	2 40	Sheyenne "	1 85	2 10
Woods "	2 15	2 40	Oberon "	1 90	2 15
Leonard "	2 15	2 40	Lallie "	1 95	2 20
Sheldon "	2 05	2 30	Minnewaukan ... "	2 00	2 25
Buttzville "	1 95	2 20	Leeds "	2 15	2 40
Lisbon "	1 90	2 15	Eldrige "	1 25	1 75
Marshall "	1 85	2 10	Windsor "	1 20	1 70
Verona "	1 75	2 00	Cleveland "	1 15	1 65
Valley Junction .. "	1 70	1 95	Crystal Springs . "	1 15	1 65
La Moure "	1 70	1 95	Tappen "	1 10	1 60
Edgeley "	1 85	2 10	Dawson "	1 10	1 60
Oakes "	1 85	2 10	Steele "	1 10	1 60
Grand Rapids "	1 65	1 90	Geneva "	1 10	1 60
Dickey "	1 55	1 80	Driscoll "	1 10	1 60
Adrian "	1 50	1 75	Sterling "	1 10	1 60
Montpelier "	1 45	1 70	Menoken "	1 10	1 60
Ypsilanti "	1 40	1 65	Apple Creek "	1 00	1 50
Fargo "	2 00	2 25	Bismarck "	1 00	1 50
Haggart "	2 00	2 25	River Landing .. "	1 00	1 50
Mapleton "	1 90	2 15	Mandan "	75	1 25
Dalrymple "	1 85	2 10	Sunny Side "	50	1 00
Casseltown "	1 85	2 10	Sweet Briar "	50	1 00
Sidney "	1 85	2 10	Sedalia "	50	1 00
Wheatland "	1 80	2 05	New Salem "	50	1 00
Buffalo "	1 75	2 00	Blue Grass "	50	1 00
Tower City "	1 70	1 95	Sims "	00	1 00
Oriska "	1 65	1 90	Almont "	50	1 00
Alta "	1 60	1 85	Curlew "	50	1 00
Valley City "	1 55	1 80	Kurtz "	50	95
Hobart "	1 50	1 80	Glenullen "	75	90
Sanborn "	1 50	1 80	Eagle's Nest "	80	80
Odell "	1 55	1 80	Hebron "	80	80
Dazey "	1 65	1 90	Knife River "	80	80
Hannaford "	1 70	1 95	Antelope "	1 00	75
Cooperstown "	1 75	2 00	Richardton "	1 00	75
Eckelson "	1 45	1 80	Taylor "	1 10	75
Urbana "	1 40	1 80	Gladstone "	1 10	75
Spiritwood "	1 40	1 80	Dickinson "		00
Bloom "	1 35	1 80	Eland "		50
Jamestown "	1 30	1 80	South Heart "		50
Parkhurst "	1 35	1 80	Belfield "		50
Buchanan "	1 40	1 80	Fryburg "		50
Pingree "	1 45	1 80	Sully Springs ... "		50
Edmunds "	1 50	1 80	Scoria "		50
Melville "	1 55	1 80	Medora "		75
Carrington "	1 65	1 90	Little Missouri .. "		75
Ross "	1 70	1 95			

And the foregoing tariff must have given general satisfaction, as there has not been a complaint made against it since it took effect.

J. L. Colton, whose lignite coal mines are situated in the vicinity of Minot on the line of the Great Northern Railway company, made complaint that the tariff on lignite coal over the Great Northern railway lines was such as to prohibit the mining or shipping of lignite coal by Mr. Colton. The people of Grand Forks also complained and stated that the tariff on lignite coal was so high that it prohibited the use of this coal by the people of Grand Forks.

The Board visited A. H. Mohler, general manager Great Northern railway lines, on the 21st day of March, 1891, for the purpose of causing a reduction of the tariff on lignite coal over this company's lines, together with the discussion of other matters, and Mr. Mohler promised at that time to take the matter into consideration.

After waiting some time and hearing nothing from this matter, the Board again visited Mr. Mohler in St. Paul on the 15th day of May, 1891, when Mr. Mohler stated that he would cause a new tariff on lignite coal to be issued as soon as possible, and that thereafter on the 25th of June the following tariff was issued to take effect on July 6, 1891:

From Minot, N. D., To—	Per Ton of 2,000 Pounds.	From Minot, N. D., To—	Per Ton of 2,000 Pounds.
Williston..... N. D.	\$ 2 15	Inkster..... N. D.	\$ 2 25
Avoca..... "	2 00	Conway..... "	2 25
Spring Brook..... "	2 00	Pisck..... "	2 30
Wheelock..... "	1 90	Park River..... "	2 30
Ray..... "	1 85	Edinburg..... "	2 30
Tioga..... "	1 70	Milton..... "	2 35
White Earth..... "	1 50	Osnabrock..... "	2 35
Manitou..... "	1 35	Langdon..... "	2 40
Ross..... "	1 25	Arvilla..... "	2 25
Stanley..... "	1 10	Emerado..... "	2 25
Elton..... "	1 10	Ojata..... "	2 25
Delta..... "	1 00	Grand Forks..... "	2 25
Wallace..... "	85	Schurmeier..... "	2 30
Berthold..... "	70	Manvel..... "	2 35
Lone Tree..... "	55	Levant..... "	2 35
Des Lacs..... "	50	Ardock..... "	2 40
Norwich..... "	50	Minto..... "	2 40
Granville..... "	70	Grafton..... "	2 45
Denbigh..... "	90	Auburn..... "	2 45
Towner..... "	1 05	St. Thomas..... "	2 50
Berwick..... "	1 25	Glasston..... "	2 50
Rugby Junction..... "	1 25	Hamilton..... "	2 50
Barton..... "	1 50	Bathgate..... "	2 50
Willow City..... "	1 65	Neche..... "	2 55
Bottineau..... "	2 00	Hempton..... "	2 15
Pleasant Lake..... "	1 40	Northwood..... "	2 15
Knox..... "	1 50	Hatton..... "	2 15
York..... "	1 65	Mayville..... "	2 15
Leeds..... "	1 75	Murray..... "	2 20
Church's Ferry..... "	1 80	Blanchard..... "	2 20
Cando..... "	1 85	Greenfield..... "	2 20
Bisbee..... "	1 90	Hunter..... "	2 20
Perth..... "	1 95	Arthur..... "	2 20
Rolla..... "	2 00	Amenia..... "	2 25
St. John..... "	2 05	Howes..... "	2 25
Penn..... "	1 85	Casselman..... "	2 25
Grand Harbor..... "	1 85	Portland..... "	2 15
Devils Lake..... "	1 90	Roseville..... "	2 20
Crary..... "	1 90	Clifford..... "	2 20
Bartlett..... "	2 00	Galesburg..... "	2 20
Lakota..... "	2 00	Erie..... "	2 20
Mapes..... "	2 05	Ripon..... "	2 20
Michigan City..... "	2 05	Fleming..... "	2 20
Petersburg..... "	2 10	Absaraka..... "	2 25
Niagara..... "	2 10	Ayr..... "	2 25
Shawnee..... "	2 15	Page City..... "	2 25
Larimore..... "	2 15	Colgate..... "	2 25
McCanna..... "	2 20	Hope..... "	2 25
Orr..... "	2 20		

Which, though granting quite a reduction from the old tariff in force prior to this one, does not give entire satisfaction.

The following is the old tariff in force prior to the present:

COAL RATES—PER TON.

To—	Pro- posed.	Pres- ent.	To—	Pro- posed.	Pres- ent.
Williston	2 15	2 50	Berwith	1 25	1 50
Avoca	2 00	2 50	Rugby Junction.....	1 25	1 75
Spring Brook.....	2 00	2 50	Barton	1 50	2 00
Wheelock.....	1 90	2 40	Willow City.....	1 65	2 25
Ray	1 85	2 30	Bottineau.....	2 00	2 50
Tioga	1 70	2 20	Pleasant Lake.....	1 40	2 00
White Earth.....	1 50	2 10	Knox	1 50	2 15
Manitou	1 35	2 00	York	1 65	2 30
Ross	1 25	1 80	Leeds	1 75	2 40
Stanley	1 10	1 80	Church's Ferry.....	1 80	2 50
Elton	1 10	1 40	Cando	1 85	
Delta	1 00	1 20	Bisbee	1 90	
Wallace	85	1 10	Orr	2 20	2 50
Berthold	70	1 00	Inkster	2 25	2 50
Lone Tree	55	75	Conway	2 25	2 50
Des Lacs.....	50	50	Park River.....	2 30	2 50
Perth	1 95		Edinburg	2 30	2 50
Rolla.....	2 00		Milton	2 35	2 50
St. John	2 05		Osnabrock	2 35	2 50
Laurens.....	1 85	2 50	Langdon	2 40	2 50
Grand Harbor.....	1 85	2 50	Arvilla	2 15	2 50
Devils Lake.....	1 90	2 50	Emerado	2 15	2 50
Crary	1 90	2 50	Ojata	2 15	2 50
Bartlett.....	2 00	2 50	Grand Forks.....	2 15	2 50
Lakota	2 00	2 50	Pearson	2 30	2 50
Mapes	2 05	2 50	Manvel.....	2 35	2 50
Michigan City.....	2 05	2 50	Levant.....	2 35	2 50
Petersburg	2 10	2 50	Greenfield.....	2 20	
Niagara	2 10	2 50	Hunter	2 20	
Shawnee	2 15	2 50	Arthur	2 20	
Larimore.....	2 15	2 50	Amenia	2 25	
McCanna	2 20	2 50	Howes	2 25	
Ardock	2 40	2 50	Casselton	2 25	
Minto	2 40	2 50	Portland	2 15	
Grafton	2 45	2 50	Roseville	2 20	
Auburn	2 45	2 50	Clifford	2 20	
St. Thomas.....	2 50	2 50	Galesburg	2 20	
Glasston	2 50	2 50	Erie	2 20	
Hamilton	2 50	2 50	Oatland	2 20	
Bathgate.....	2 50	2 50	Ripon	2 20	
Neche	2 50	2 50	Fleming.....	2 20	
Kempton	2 15	2 50	Absaraka	2 25	
Northwood.....	2 15	2 50	Ayr	2 25	
Hatton	2 15	2 50	Colgate	2 25	
Mayville	2 15	2 50	Thompson.....	2 25	
Murray	2 20		Reynolds	2 25	
Blanchard.....	2 20		Buxton	2 25	
Page City.....	2 25		Cummings.....	2 30	
Hope	2 25		Hillsboro.....	2 30	
Norwich	50	50	Grandin.....	2 35	
Granville.....	70	75	Gardner.....	2 35	
Denbigh	90	1 00	Argusville.....	2 35	
Towner	1 05	1 25			

List of elevators and grain warehouses doing business in the State of North Dakota during the year ending December 30, 1891, on the different railway lines in said State:

Statement of grain elevators and warehouses, State of North Dakota, along line of Northern Pacific Railroad and branches.

FARGO TO MANDAN.

Location.	Owner.	Class.	Capacity.
Fargo	N. P. Elevator company	Elevator	100,000
Fargo	Grandin Line	Elevator	30,000
Canfield	N. P. Elevator company	Elevator	20,000
Mapleton	N. P. Elevator company	Elevator	55,000
Mapleton	N. D. Elevator company	Elevator	60,000
Greene	Eli Greene	Elevator	30,000
Dalrymple	Cass & Cheney	Elevator	62,000
Dalrymple	O. Dalrymple	Elevator	50,000
Cassleton	N. P. Elevator company	Elevator	60,000
Wheatland	N. P. Elevator company	Elevator	60,000
Wheatland	N. D. Elevator company	Elevator	40,000
Wheatland	Dul. & Dakota Elevator company	Elevator	30,000
Munger	R. A. Munger	Warehouse	32,000
Buffalo	N. D. Elevator company	Elevator	70,000
Buffalo	N. P. Elevator company	Elevator	60,000
Buffalo	J. W. Hawk	Elevator	18,000
Buffalo	Dul. & Dak. Elevator company	Elevator	30,000
Tower City	N. P. Elevator company	Elevator	60,000
Tower City	N. D. Elevator company	Elevator	40,000
Tower City	Northwestern Milling company	Elevator	5,000
Oriska	J. M. Dennett	Elevator	14,000
Oriska	Dul. & Dak. Elevator company	Elevator	30,000
Oriska	N. P. Elevator company	Elevator	30,000
Valley City	N. P. Elevator company	Elevator	60,000
Valley City	Alliance Elevator company	Elevator	65,000
Valley City	N. D. Elevator company	Elevator	60,000
Valley City	Dul. & Dak. Elevator company	Elevator	30,000
Sanborn	N. P. Elevator company	Elevator	60,000
Sanborn	Farmers Alliance Elevator comp'y	Elevator	25,000
Sanborn	Cargill Bros.	Elevator	45,000
Eckelson	N. P. Elevator company	Elevator	30,000
Spirtwood	Cargill Bros.	Elevator	50,000
Bloom	N. D. Elevator company	Elevator	15,000
Jamestown	N. D. Elevator company	Elevator	40,000
Jamestown	N. P. Elevator company	Elevator	60,000
Eldridge	N. D. Elevator company	Elevator	30,000
Windsor	N. D. Elevator company	Elevator	15,000
Tappen	N. D. Elevator company	Elevator	15,000
Dawson	N. P. Elevator company	Elevator	40,000
Steele	Dul. & Dak. Elevator company	Elevator	20,000
Steele	James Johns & Co.	Warehouse	20,000
Sterling	N. P. Elevator company	Warehouse	15,000
McKenzie	Scovel & Crum	Elevator	20,000
Menoken	Bismarck Roller Mill company	Elevator	20,000
Bismarck	Bismarck Roller Mill company	Elevator	40,000
Bismarck	Bismarck Elevator company	Elevator	50,000
Hobart	Cargill Elevator company	Elevator	

FARGO & SOUTHWESTERN R. R.

Location.	Owner.	Class.	Capacity.
Cotter	N. P. Elevator company.....	Elevator.....	20,000
Horace	N. P. Elevator company.....	Elevator.....	40,000
Horace	Dul. & Dak. Elevator company.....	Elevator.....	45,000
Warren	N. D. Elevator company.....	Elevator.....	17,000
Davenport	N. P. Elevator company.....	Elevator.....	25,000
Davenport	Dul. & Dak. Elevator company.....	Elevator.....	30,000
Woods	N. P. Elevator company.....	Elevator.....	40,000
Leonard	N. P. Elevator company.....	Elevator.....	45,000
Leonard	Dul. & Dak. Elevator company.....	Elevator.....	45,000
Leonard	N. D. Elevator company.....	Elevator.....	16,000
Coburn	N. D. Elevator company.....	Elevator.....	20,000
Sheldon	N. P. Elevator company.....	Elevator.....	45,000
Sheldon	N. D. Elevator company.....	Elevator.....	22,000
Sheldon	Southwestern Elevator company.....	Elevator.....	30,000
Sheldon	Dul. & Dak. Elevator company.....	Elevator.....	45,000
Buttzville	D. H. Buttz	Elevator.....	50,000
Buttzville	N. P. Elevator company.....	Elevator.....	35,000
Lisbon	N. P. Elevator company.....	Elevator.....	50,000
Lisbon	N. D. Elevator company.....	Elevator.....	22,000
Lisbon	Dul. & Dak. Elevator company.....	Elevator.....	45,000
Lisbon	Norton & Co	Warehouse	15,000
Elliott	Dul. & Dak. Elevator company.....	Warehouse	20,000
Elliott	N. P. Elevator company.....	Elevator.....	30,000
Marshall	Dul. & Dak. Elevator company.....	Elevator.....	40,000
Marshall	N. P. Elevator company.....	Elevator.....	30,000
Marshall	N. D. Elevator company.....	Elevator.....	25,000
Verona	N. D. Elevator company.....	Elevator.....	25,000
Verona	N. P. Elevator company.....	Warehouse	45,000
LaMoire	N. P. Elevator company.....	Elevator.....	60,000
LaMoire	F. J. Downing.....	Elevator.....	40,000
Valley Junction.....	N. D. Elevator company.....	Warehouse	12,000

N. P., LA MOURE & MISSOURI RIV. R. R.

Berlin	N. P. Elevator company.....	Elevator.....	25,000
Medberry	N. P. Elevator company.....	Elevator.....	25,000
Medberry	N. D. Elevator company.....	Elevator.....	25,000
Edgeley	N. P. Elevator company.....	Elevator.....	25,000

JAMES RIVER VALLEY R. R.

Ypsilanti	N. D. Elevator company.....	Warehouse	10,000
Ypsilanti	N. P. Elevator company.....	Warehouse	15,000
Montpelier	N. D. Elevator company.....	Warehouse	10,000
Montpelier	N. P. Elevator company.....	Warehouse	15,000
Adrian	N. D. Elevator company.....	Warehouse	10,000
Dickey	N. D. Elevator company.....	Warehouse	10,000
Dickey	N. P. Elevator company.....	Warehouse	15,000
Dickey	A. E. Dickey	Warehouse	10,000
Grand Rapids.....	N. D. Elevator company.....	Elevator.....	30,000
Grand Rapids.....	N. P. Elevator company.....	Warehouse	15,000
Glover	N. D. Elevator company.....	Warehouse	10,000
Glover	N. D. Elevator company.....	Warehouse	10,000
Oakes	N. D. Elevator company.....	Elevator.....	30,000

SANBORN, COOPERSTOWN & T. M. R. R.

Location.	Owner.	Class.	Capacity.
Dazey	Cargill Bros.....	Elevator.....	35,000
Dazey	Dul. & Dak. Elevator company...	Elevator.....	30,000
Dazey	N. D. Elevator company	Elevator.....	30,000
Odell	N. D. Elevator company	Elevator.....	15,000
Odell	Cargill Bros.....	Elevator.....	35,000
Hannaford.....	Cargill Bros.....	Elevator.....	18,000
Cooperstown....	Cargill Bros.....	Elevator.....	50,000
Cooperstown....	Cooper Bros.....	Elevator.....	45,000
Cooperstown....	N. D. Elevator company	Elevator.....	35,000
Cooperstown....	Dul. & Dak. Elevator company...	Elevator.....	50,000

JAMESTOWN & NORTHERN R. R.

Parkhurst	N. P. Elevator company.....	Warehouse	10,000
Buchanan	N. D. Elevator company	Elevator.....	15,000
Pingree.....	N. P. Elevator company.....	Elevator.....	30,000
Pingree.....	N. D. Elevator company	Warehouse	10,000
Edmunds	N. P. Elevator company.....	Elevator.....	40,000
Melville	N. D. Elevator company	Elevator.....	15,000
Melville	N. P. Elevator company.....	Elevator.....	30,000
Carrington	N. P. Elevator company.....	Elevator.....	30,000
Carrington	N. D. Elevator company	Elevator.....	15,000
Carrington	James Johns & Co.....	Warehouse	15,000
Barlow	N. D. Elevator company	Warehouse	10,000
Barlow	Engberg Land company	Elevator.....	25,000
New Rockford ..	N. D. Elevator company	Elevator.....	25,000
New Rockford ..	N. P. Elevator company.....	Elevator.....	40,000
New Rockford ..	Dul. & Dak. Elevator company...	Elevator.....	30,000
Sheyenne	Burned 7-5-91		
Oberon	N. P. Elevator company.....	Elevator.....	20,000
Minnewaukan ..	N. P. Elevator company.....	Elevator.....	40,000
Minnewaukan ..	Dul. & Dak. Elevator company...	Elevator.....	30,000
Sykeston	Dul. & Dak. Elevator company...	Elevator.....	30,000
Sykeston	N. D. Elevator company.....	Elevator.....	30,000
Sykeston	James Johns & Co.....	Warehouse	20,000

N. P., F. F. & B. H. R. R.

Wahpeton.....	N. P. Elevator company.....	Elevator.....	35,000
Farmington....	Dwight Farming company.....	Elevator.....	30,000
Farmington....	N. D. Elevator company.....	Elevator.....	20,000
Downing	F. J. Downing.....	Elevator.....	60,000
Mooreton	N. P. Elevator company.....	Elevator.....	30,000
Mooreton	N. D. Elevator Company.....	Warehouse	60,000
Mooreton	Otto Borgen	Warehouse	5,000
Wyndmere.....	N. P. Elevator company.....	Elevator.....	35,000
Delamere	N. P. Elevator company.....	Warehouse	12,000
Delamere	Ole Fiskop.....	Elevator.....	12,000
Milnor.....	N. P. Elevator company.....	Elevator.....	40,000
Milnor.....	N. D. Elevator company	Elevator.....	45,000
Milnor.....	S. Christianson & Co.....	Warehouse	8,000

DAKOTA SOUTHEASTERN R. R.

Location.	Owner.	Class.	Capacity.
Adams	W. P. Adams	Elevator.....	60,000
Great Bend.....	N. D. Elevator company	Elevator.....	15,000
Great Bend.....	N. D. Elevator company	Elevator.....	13,000
Bayne	Keystone Farming company	Elevator.....	40,000

DULUTH & MANITOBA R. R.

Kelly's	Brooks Bros.	Elevator.....	20,000
Meckinock.....	Brooks Bros.	Elevator.....	20,000
Meckinock.....	N. P. Elevator company	Elevator.....	20,000
Beans	S. L. Beans	Elevator.....	25,000
Beans	Hoskins & Co	Elevator.....	26,000
Gilby	N. P. Elevator company	Elevator.....	45,000
Gilby	Brooks Bros.	Elevator.....	25,000
Gilby	N. D. Elevator company	Elevator.....	40,000
Johnstown.....	J. R. Barker	Elevator.....	5,000
Johnstown.....	Farmers Mutual Elevator comp'y.	Elevator.....	35,000
Forest River ...	N. P. Elevator company	Elevator.....	20,000
Forest River ...	Hoskins & Co	Elevator.....	25,000
Forest River ...	N. D. Elevator company	Elevator.....	15,000
Voss.....	N. P. Elevator company	Elevator.....	45,000
Voss.....	N. D. Elevator company	Elevator.....	15,000
Voss.....	Hoskins & Co	Elevator.....	25,000
Grafton.....	Hoskins & Co	Elevator.....	25,000
Grafton.....	N. P. Elevator company	Elevator.....	20,000
Grafton.....	N. D. Elevator company	Elevator.....	15,000
St. Andrews ...	N. D. Elevator company	Elevator.....	35,000
St. Andrews ...	J. Buchanan	Elevator.....	20,000
Drayton	N. D. Elevator company	Elevator.....	15,000
Drayton	N. P. Elevator company	Elevator.....	37,000
Drayton	Hoskins & Co	Elevator.....	25,000
Drayton	J. H. Jamieson	Elevator.....	15,000
Drayton	Farmers Union Elevator company.	Elevator.....	37,000
Cashel.....	N. D. Elevator company	Elevator.....	15,000
Cashel.....	N. P. Elevator company	Elevator.....	37,000
Cashel.....	Patterson, Dean & Co.....	Elevator.....	20,000
Pittsburgh.....	N. D. Elevator company	Elevator.....	25,000
Pittsburgh.....	N. P. Elevator company	Elevator.....	20,000
Bowesmont ...	N. D. Elevator company	Elevator.....	20,000
Bowesmont ...	Farmers Union Elevator company.	Elevator.....	40,000
Joliet.....	N. D. Elevator company	Elevator.....	20,000
Joliet.....	N. P. Elevator company	Elevator.....	25,000
Pembina.....	N. D. Elevator company	Elevator.....	20,000
Pembina.....	N. D. Mill & Elevator Co	Warehouse	1,000

Total Capacity in North Dakota, 5,388,000 Bushels.

List showing grain warehouses in North Dakota on the lines of the Great Northern Railway company.

Station.	Elevator Capacity.	Warehouse Capacity.	Owner.
DeVillo	20,000	.....	Cargill Bros.
Sonora .....	.....	16,000	Cargill Bros.
Hankinson .....	.....	15,000	Cargill Bros.
Hankinson .....	.....	10,000	St. A. & D. Elevator Co.
Stiles .....	.....	20,000	Cargill Bros.
Stiles .....	.....	10,000	St. A. & D. Elevator Co.
Lidgerwood .....	.....	10,000	Cargill Bros.
Lidgerwood .....	.....	10,000	St. A. & D. Elevator Co.
Geneseo .....	.....	10,000	St. A. & D. Elevator Co.
Cayuga .....	.....	10,000	Cargill Bros.
Cayuga .....	.....	10,000	St. A. & D. Elevator Co.
Rutland .....	.....	10,000	St. A. & D. Elevator Co.
Rutland .....	.....	10,000	Cargill Bros.
Brookland	30,000	.....	N. W. Elevator Co.
Straubville	30,000	.....	N. W. Elevator Co.
Crescent Hill .....	.....	8,000	N. W. Elevator Co.
Riverdale	30,000	.....	N. W. Elevator Co.
Port Emma	30,000	.....	N. W. Elevator Co.
Guelph	30,000	.....	N. W. Elevator Co.
Guelph .....	.....	30,000	J. R. Jones.
Silver Leaf	30,000	.....	N. W. Elevator Co.
Silver Leaf .....	.....	10,000	J. D. Hagerty.
Ellendale	30,000	.....	N. W. Elevator Co.
Ellendale .....	.....	8,000	N. W. Elevator Co.
Havana .....	.....	15,000	Cargill Bros.
Havana	30,000	.....	St. A. & D. Elevator Co.
Havana	15,000	.....	Newark Elevator Co.
Fargo	125,000	.....	M. & N. Elevator Co.
Harwood	55,000	.....	M. & N. Elevator Co.
Argusville	36,000	.....	M. & N. Elevator Co.
Argusville	30,000	.....	Inter-State Grain Co.
*Argusville	25,000	.....	P. B. Mann.
Gardner	40,000	.....	M. & N. Elevator Co.
Gardner	30,000	.....	Inter-State Grain Co.
Gardner	4,000	.....	Emma A. Dalrymple.
Grandin	35,000	.....	M. & N. Elevator Co.
Grandin .....	.....	15,000	M. & N. Elevator Co.
Grandin	55,000	.....	N. W. Elevator Co.
Grandin	65,000	.....	Rand & Brown.
Kelso	45,000	.....	Inter-State Grain Co.
Kelso	35,000	.....	L. C. Stanford.
Kelso	45,000	.....	M. & N. Elevator Co.
Alton	60,000	.....	Grandin Bros.
Hillsboro	30,000	.....	Red R. Val. Elevator Co.
Hillsboro	30,000	.....	N. W. Elevator Co.
Hillsboro	65,000	.....	M. & N. Elevator Co.
Hillsboro	40,000	.....	Brooks Bros.
Cummings	35,000	.....	Upton Farming Co.
Cummings	75,000	.....	M. & N. Elevator Co.
Cummings	30,000	.....	National Elevator Co.
Buxton	100,000	.....	M. & N. Elevator Co.
Buxton	30,000	.....	Harriet E. Reeves.
Buxton	30,000	.....	Inter-State Grain Co.

* Under construction.

Station.	Elevator Capacity.	Warehouse Capacity.	Owner.
Buxton .....	.....	7,000	Ramsden & Sweet.
Reynolds	60,000	.....	National Elevator Co.
Reynolds	40,000	.....	Brooks Bros.
Reynolds	60,000	.....	L. T. Sowle Elevator Co.
Reynolds	40,000	.....	M. & N. Elevator Co.
Thompson	110,000	.....	M. & N. Elevator Co.
Thompson	55,000	.....	N. W. Elevator Co.
Thompson	45,000	.....	National Elevator Co.
Thompson	45,000	.....	Brooks Bros.
Thompson .....	.....	12,000	M. & N. Elevator Co.
Merrifield	55,000	.....	Brooks Bros.
Merrifield	40,000	.....	Inter-State Grain Co.
Grand Forks	25,000	.....	Brooks Bros.
Grand Forks	40,000	.....	M. & N. Elevator Co.
Grand Forks	60,000	.....	Brooks Bros.
Grand Forks	20,000	.....	Brooks Bros.
Shurmier .....	.....	10,000	Brooks Bros.
Shurmier .....	.....	6,000	Inter-State Grain Co.
Mamvel	35,000	.....	M. & N. Elevator Co.
Mamvel	30,000	.....	M. & N. Elevator Co.
Mamvel .....	.....	12,000	Brooks Bros.
*Levant	30,000	.....	M. & N. Elevator Co.
Ardock	72,000	.....	Brooks Bros.
Ardock	35,000	.....	N. W. Elevator Co.
Ardock	92,000	.....	M. & N. Elevator Co.
Ardock	22,000	.....	Sowle Elevator Co.
Ardock	30,000	.....	Farmer's Mutual Associ'n
Minto	100,000	.....	M. & N. Elevator Co.
Minto	25,000	.....	Minto Roller Mill Co.
Minto	45,000	.....	Brooks Bros.
Minto	45,000	.....	N. W. Elevator Co.
Minto	10,000	.....	Farmers Elevator Co.
Grafton	130,000	.....	M. & N. Elevator Co.
Grafton	52,000	.....	N. W. Elevator Co.
Grafton	55,000	.....	Brooks Bros.
Grafton	30,000	.....	G. & C. Nollman.
Grafton	30,000	.....	W. C. Leistikow.
Grafton	Store house	50,000	W. C. Leistikow (Mill.)
Grafton	Not occupied	3,000	W. G. Trotman.
Grafton	18,000	.....	C. Hendrickson.
Auburn	28,000	.....	Red R. Val. Elevator Co.
Auburn	47,000	.....	M. & N. Elevator Co.
Auburn	43,000	.....	N. W. Elevator Co.
Auburn	50,000	.....	Brooks Bros.
Auburn	47,000	.....	Red R. Val. Elevator Co.
St. Thomas	95,000	.....	M. & N. Elevator Co.
St. Thomas	65,000	.....	N. W. Elevator Co.
St. Thomas	75,000	.....	M. & D. Elevator Co.
St. Thomas	120,000	.....	Brooks Bros.
St. Thomas	60,000	.....	H. Stong.
St. Thomas	45,000	.....	Red R. Val. Elevator Co.
St. Thomas	20,000	.....	Daniel O'Connor.
St. Thomas .....	.....	10,000	O'Connor & Co.
Glasston	70,000	.....	M. & N. Elevator Co.
Glasston	50,000	.....	N. W. Elevator Co.
Glasston	25,000	.....	McCabe Bros.

* Under construction.

Station.	Elevator Capacity.	Warehouse Capacity.	Owner.
Glasston	35,000	.....	National Elevator Co.
Glasston	30,000	.....	Inter-State Grain Co.
Hamilton	50,000	Burned	M. & N. Elevator Co.
Hamilton	40,000	Burned	N. W. Elevator Co.
Hamilton	50,000	.....	M. & D. Elevator Co.
Hamilton	45,000	.....	Red R. Val. Elevator Co.
†Hamilton	30,000	.....	H. I. U. Elevator Co.
Bathgate.....	45,000	.....	M. & N. Elevator Co.
Bathgate.....	60,000	.....	M. & D. Elevator Co.
Bathgate.....	45,000	.....	N. W. Elevator Co.
Bathgate.....	60,000	.....	Red R. Val. Elevator Co.
Bathgate.....	30,000	.....	Brooks Bros.
Neché.....	35,000	.....	Wm. Crawford.
Neché.....	50,000	.....	M. & N. Elevator Co.
Neché.....	50,000	.....	N. W. Elevator Co.
Neché.....	30,000	.....	National Elevator Co.
Nash	30,000	.....	St. A. & D. Elevator Co.
Nash	30,000	.....	National Elevator Co.
Hoople	30,000	.....	St. A. & D. Elevator Co.
Hoople	30,000	.....	National Elevator Co.
Hoople	30,000	.....	L. T. Sowle Elevator Co.
Crystal	30,000	.....	St. A. & D. Elevator Co.
Crystal	30,000	.....	L. T. Sowle Elevator Co.
Crystal	30,000	.....	National Elevator Co.
Crystal	30,000	.....	Brooks Bros.
Canton	30,000	.....	McCabe Bros.
Canton	30,000	.....	F. A. Holliday.
Canton	30,000	.....	L. T. Sowle Elevator Co.
Cavalier.....	30,000	.....	L. T. Sowle Elevator Co.
Cavalier.....	30,000	.....	St. A. & D. Elevator Co.
Cavalier.....	30,000	.....	National Elevator Co.
Wahpeton.....	90,000	Burned	Dunn & Thompson.
Wahpeton.....	.....	Burned	Cargill Bros.
Wahpeton.....	Burned	10,000	Brooks Bros.
Wahpeton.....	.....	6,000	J. L. French.
Ojata	35,000	.....	M. & N. Elevator Co.
Ojata	50,000	.....	Brooks Bros.
Emerado.....	30,000	.....	M. & N. Elevator Co.
Emerado.....	90,000	.....	Lewis Emery.
Emerado.....	75,000	.....	Brooks Bros.
Arvilla	120,000	.....	M. & N. Elevator Co.
Arvilla	30,000	.....	M. & N. Elevator Co.
Arvilla	30,000	.....	M. & D. Elevator Co.
Larimore	120,000	.....	M. & N. Elevator Co.
Larimore	30,000	.....	St. A. & D. Elevator Co.
Larimore	50,000	.....	N. W. Elevator Co.
Niagara	50,000	.....	M. & N. Elevator Co.
Niagara	30,000	.....	D. Folger.
Petersburg.....	30,000	.....	M. & N. Elevator Co.
Michigan City ..	55,000	.....	M. & N. Elevator Co.
Michigan City ..	55,000	.....	National Elevator Co.
Michigan City...	.....	6,000	J. P. Lamb & Co.
Mapes	65,000	.....	M. & N. Elevator Co.
Mapes	65,000	.....	St. A. & D. Elevator Co.
Mapes .....	.....	5,000	E. Mapes, Jr.
Lakota	25,000	.....	St. A. & D. Elevator Co.

‡ Organized August 11, 1891.

Station.	Elevator Capacity.	Warehouse Capacity.	Owner.
Lakota	54,000	.....	M. & N. Elevator Co.
Lakota	44,000	.....	National Elevator Co.
Lakota .....	.....	8,000	National Elevator Co.
Bartlett	35,000	.....	St. A. & D. Elevator Co.
Bartlett	30,000	.....	M. & N. Elevator Co.
Bartlett	30,000	.....	National Elevator Co.
Bartlett .....	.....	10,000	St. A. & D. Elevator Co.
Crary	64,000	.....	M. & N. Elevator Co.
Crary	45,000	.....	St. A. & D. Elevator Co.
Devils Lake	70,000	.....	M. & N. Elevator Co.
Devils Lake	30,000	.....	Red R. Val. Elevator Co.
Devils Lake	35,000	.....	National Elevator Co.
Devils Lake	30,000	.....	Devils Lake Mill Co.
Grand Harbor ..	45,000	.....	M. & N. Elevator Co.
Grand Harbor ..	35,000	.....	National Elevator Co.
Grand Harbor ..	45,000	.....	St. A. & D. Elevator Co.
Penn	50,000	.....	M. & N. Elevator Co.
Penn	30,000	.....	Red R. Val. Elevator Co.
Penn	30,000	.....	St. A. & D. Elevator Co.
Church's Ferry..	35,000	.....	Heising Bros. & Co.
Church's Ferry..	75,000	.....	Red R. Val. Elevator Co.
Church's Ferry..	55,000	.....	St. A. & D. Elevator Co.
Leeds	25,000	.....	St. A. & D. Elevator Co.
York	30,000	.....	St. A. & D. Elevator Co.
Knox	30,000	.....	St. A. & D. Elevator Co.
Rugby Junction.	10,000	.....	St. A. & D. Elevator Co.
Towner .....	.....	2,000	Garner Bros.
Dwight	60,000	Off right-of-way.	Dwight Farm & Land Co.
Dwight	25,000	.....	Cargill Bros.
Dwight .....	.....	15,000	Cargill Bros.
Dwight .....	.....	10,000	Farmers' Alliance.
Galchutt	Off right-of-way.	10,000	Farmers' W. Hs. Ass'n.
Colfax	20,000	.....	Cargill Bros.
Walcott	30,000	.....	M. & D. Elevator Co.
Walcott .....	.....	10,000	Farmers' W. Hs. Ass'n.
Walcott	30,000	.....	N. W. Elevator Co.
Kindred .....	.....	16,000	Farmers' Grain Ass'n.
Kindred .....	.....	25,000	St. A. & D. Elevator Co.
Kindred	20,000	.....	Cargill Bros.
Kindred	30,000	.....	St. A. & D. Elevator Co.
Davenport	50,000	Off right-of-way.	N. P. Elevator Co.
Davenport	25,000	Off right-of-way.	Duluth & Dakota.
Addison	40,000	.....	Cargill Bros.
Addison	20,000	.....	Ferd. Piper.
Leech's Spur	50,000	Off right-of-way.	Leech Bros.
Durbin	30,000	.....	Cargill Bros.
Durbin	28,000	.....	C. Smith.
Everest	10,000	Off right-of-way.	St. A. & D. Elevator Co.
Everest	30,000	Off right-of-way.	N. W. Elevator Co.
Everest	30,000	Off right-of-way.	Cargill Bros.
Fleming	18,000	.....	Cargill Bros.
Ripon .....	.....	12,000	Cargill Bros.
Oatland .....	.....	14,000	Cargill Bros.
Erie	35,000	.....	Cargill Bros.
Erie	25,000	.....	St. A. & D. Elevator Co.
Erie .....	.....	15,000	St. A. & D. Elevator Co.
Galesburg	45,000	.....	Cargill Bros.
Galesburg	19,000	.....	St. A. & D. Elevator Co.
Clifford	60,000	.....	Cargill Bros.

Station.	Elevator Capacity.	Warehouse Capacity	Owner.
Clifford .....	.....	20,000	St. A. & D. Elevator Co.
Clifford	38,000	.....	Red R. Val. Elevator Co.
Roseville	25,000	.....	Cargill Bros.
Portland	45,000	.....	Cargill Bros.
Portland	50,000	.....	M. & D. Elevator Co.
Portland	20,000	.....	St. A. & D. Elevator Co.
Portland	50,000	.....	L. T. Sowle Elevator Co.
Hatton	45,000	.....	Cargill Bros.
Hatton	90,000	.....	N. P. Elevator Co.
Hatton	55,000	.....	N. W. Elevator Co.
Northwood	40,000	.....	Heising Bros. & Gustaf.
Northwood	40,000	.....	Red R. Val. Elevator Co.
Northwood	40,000	.....	Cargill Bros.
Kempton	75,000	.....	Cargill Bros.
Kempton	25,000	.....	St. A. & D. Elevator Co.
Kempton	25,000	.....	Brooks Bros.
Howes	20,000	.....	St. A. & D. Elevator Co.
Amenia	250,000	.....	Amenia & Sharon El. Co.
Amenia	16,000	.....	E. W. Chaffee.
Arthur	70,000	.....	N. W. Elevator Co.
Arthur	80,000	.....	N. P. Elevator Co.
Arthur	25,000	.....	O. Dalrymple.
Hunter	60,000	.....	N. P. Elevator Co.
Hunter	30,000	.....	Cargill Bros.
Hunter	30,000	.....	St. A. & D. Elevator Co.
Hunter	20,000	.....	W. W. Beard & Son.
Hunter	20,000	.....	Samuel McClure.
Hunter .....	.....	6,000	A. P. Norish.
Greenfield	20,000	.....	St. A. & D. Elevator Co.
Greenfield .....	.....	8,000	B. L. Hill.
Blanchard	80,000	.....	N. P. Elevator Co.
Blanchard .....	.....	.....	N. P. Elevator Co.
Blanchard	50,000	.....	N. W. Elevator Co.
Blanchard	18,000	.....	Emerson & Wild.
Blanchard	12,000	.....	Field & Smith.
Blanchard Spur	24,000	Off right-of-way.	J. L. Grandin.
Mayville	90,000	.....	N. P. Elevator Co.
Mayville	35,000	.....	Farmers' Elevator Co.
Mayville	60,000	.....	Mayville Elevator Co.
Mayville	20,000	.....	St. A. & D. Elevator Co.
Mayville	35,000	.....	J. L. & E. P. Grandin.
Mayville .....	.....	24,000	M. Anderson & Co.
Grandin Spur	35,000	Off right-of-way.	J. L. & E. P. Grandin.
Absaraska	30,000	.....	Cargill Bros.
Absaraska	30,000	.....	St. A. & D. Elevator Co.
Ayr	24,000	.....	Cargill Bros.
Ayr	50,000	.....	Park R. R. Land Co.
Page City	45,000	.....	Cargill Bros.
Page City	25,000	.....	St. A. & D. Elevator Co.
Page City .....	.....	15,000	St. A. & D. Elevator Co.
Colgate	14,000	.....	Cargill Bros.
Colgate	20,000	.....	St. A. & D. Elevator Co.
Hope	20,000	.....	Red R. Val. Elevator Co.
Hope	45,000	.....	St. A. & D. Elevator Co.
Hope	40,000	.....	Cargill Bros.
Hope .....	.....	20,000	J. F. Cargill.
McCanna	30,000	.....	M. & N. Elevator Co.
McCanna	30,000	.....	Red R. Val. Elevator Co.
McCanna	50,000	.....	M. S. Wallas and others.

Station.	Elevator Capacity.	Warehouse Capacity.	Owner.
McCanna	30,000	.....	F. E. Co.
Orr	60,000	.....	M. & L. Elevator Co.
Orr	30,000	.....	Red R. Val. Elevator Co.
Inkster	50,000	.....	Red R. Val. Elevator Co.
Inkster	30,000	.....	Cargill Bros.
Inkster	50,000	.....	M. & N. Elevator Co.
Conway	25,000	.....	Red R. Val. Elevator Co.
Conway	40,000	.....	M. & N. Elevator Co.
Conway	25,000	.....	Cargill Bros.
Pisek	30,000	.....	M. & N. Elevator Co.
Pisek	38,000	.....	Red R. Val. Elevator Co.
Park River	80,000	.....	M. & N. Elevator Co.
Park River	50,000	.....	Red R. Val. Elevator Co.
Park River	80,000	.....	Brooks Bros.
Park River	30,000	.....	Cargill Bros.
Park River	23,000	.....	Cargill Bros.
Edinburg	40,000	.....	M. & N. Elevator Co.
Edinburg	60,000	.....	Brooks Bros.
Edinburg	40,000	.....	Red R. Val. Elevator Co.
Edinburg	40,000	.....	St. A. & D. Elevator Co.
Edinburg	40,000	.....	N. W. Elevator Co.
Milton	70,000	.....	M. & N. Elevator Co.
Milton	70,000	.....	St. A. & D. Elevator Co.
Milton	70,000	.....	Brooks Bros.
Milton	35,000	.....	Red R. Val. Elevator Co.
Milton	35,000	.....	N. W. Elevator Co.
Osnabrock	35,000	.....	St. A. & D. Elevator Co.
Osnabrock	60,000	.....	M. & N. Elevator Co.
Osnabrock	30,000	.....	Red R. Val. Elevator Co.
Osnabrock	30,000	.....	National Elevator Co.
Osnabrock	35,000	.....	N. W. Elevator Co.
Langdon	30,000	.....	M. & N. Elevator Co.
Langdon	30,000	.....	St. A. & D. Elevator Co.
Langdon	35,000	.....	N. W. Elevator Co.
Langdon	30,000	.....	Red R. Val. Elevator Co.
Langdon	30,000	.....	National Elevator Co.
Cando	50,000	.....	M. & N. Elevator Co.
Cando	50,000	.....	St. A. & D. Elevator Co.
Cando	30,000	.....	Red R. Val. Elevator Co.
Cando	30,000	.....	N. W. Elevator Co.
Bisbee	30,000	.....	M. & N. Elevator Co.
Bisbee	30,000	.....	St. A. & D. Elevator Co.
Rolla	35,000	.....	Red R. Val. Elevator Co.
Rolla	35,000	.....	St. A. & D. Elevator Co.
St. John	30,000	.....	St. A. & D. Elevator Co.
Barton	20,000	.....	St. A. & D. Elevator Co.
Willow City	40,000	.....	M. & N. Elevator Co.
Willow City	30,000	.....	St. A. & D. Elevator Co.
†Willow City ...	.....	12,000	F. N. W. Elevator Co.
Bottineau	35,000	.....	M. & N. Elevator Co.
Bottineau	30,000	.....	St. A. & D. Elevator Co.
Total capacity in North Dakota.	11,465,000	616,000	

†Organized August 12, 1891.

Elevators and grain warehouses in North Dakota located on the Minnesota Division of the Minneapolis, St. Paul & Sault Ste. Marie railway.

	Capacity.	Owner and Operator.
Fairmount.....	Elevator 30,000 bushels.....	Atlantic Elevator Co.
Oswald.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Hankinson.....	Elevator 25,000 bushels.....	Atlantic Elevator Co.
Hankinson.....	Grainhouse 8,000 bushels.....	Osborne & McMillan.
Stiles.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Lidgerwood.....	Elevator 25,000 bushels.....	Atlantic Elevator Co.
Lidgerwood.....	Grainhouse 8,000 bushels.....	Osborne & McMillan.
Alicia.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Ransom.....	Elevator 30,000 bushels.....	Atlantic Elevator Co.
Ransom.....	Grainhouse 10,000 bushels.....	Osborne & McMillan.
Perry.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Forman.....	Elevator 30,000 bushels.....	Atlantic Elevator Co.
Forman.....	Grainhouse 20,000 bushels.....	Osborne & McMillan.
Towanda.....	Grainhouse 7,000 bushels.....	Osborne & McMillan.
Towanda.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Nicholson.....	Grainhouse 10,000 bushels.....	Atlantic Elevator Co.
Nicholson.....	Grainhouse 8,000 bushels.....	Osborne & McMillan.
Babcock.....	Grainhouse 8,000 bushels.....	Osborne & McMillan.
Babcock.....	Grainhouse 8,000 bushels.....	Atlantic Elevator Co.
Oakes.....	Elevator 25,000 bushels.....	Atlantic Elevator Co.
Fullerton.....	Elevator 25,000 bushels.....	Osborne & McMillan.
Fullerton.....	Elevator 30,000 bushels.....	Atlantic Elevator Co.
Boynton.....	Grainhouse 18,000 bushels.....	Atlantic Elevator Co.
Clement.....	Elevator..... 12,000 bushels.....	Osborne & McMillan.

Total capacity in North Dakota, 377,000 bushels.

List of elevators and grain warehouses located on the line of the Chicago, Milwaukee & St. Paul Railway company in North Dakota.

Location.	Size.	Capacity.	Owner.	Operator.
Wahpeton--				
Elevator	30x 52	15,000	National Elevator Co.	Owners.
Abercrombie--				
Elevator	17x 30 }	40,000	National Elevator Co.	Owners.
Wheat house	30x 60 }	15,000	T. Hanson.	Owner.
Wheat house	30x 60	9,000	Farmers Association.	O. K. Swito.
Bisbees Siding*--				
Wheat house	30x 60	10,000	National Elevator Co.	Owners.
Christine--				
Elevator	18x 30 }	40,000	National Elevator Co.	Owners.
Wheat house	30x 60 }	20,000	T. Hanson.	Owner.
Wheat house	30x 60			
Hickson--				
Elevator	26x 80	28,000	National Elevator Co.	Owners.
Wheat house	30x 60	20,000	National Elevator Co.	Owners.
Elevator	24x 80	22,000	M. B. Sheffield.	Owner.
Montgomery Siding*--				
Elevator	24x 80	22,000	W. F. Montgomery.	Owner.
Wild Rice--				
Elevator	20x 60 }	53,000	National Elevator Co.	Owners.
Wheat house	36x 60 }	10,000	M. B. Sheffield.	Owner.
Wheat house	24x 26			
Saunders--				
Wheat house	24x 60	15,000	National Elevator Co.	Owners.
Fargo--				
Wheat house	30x 60	10,000	National Elevator Co.	Owners.
Sewall--				
Elevator	18x 32 }	40,000	National Elevator Co.	Owners.
Wheat house	30x 60 }			
Ellendale--				
Elevator	24x 48	20,000	D. R. Putnam.	Owner.
Elevator	30x 40	20,000	Empire Elevator Co.	Owners.
Elevator	30x 40	20,000	Hunting & Co.	Owners.
Warehouse	24x 60	10,000	D. R. Putnam & Co.	Owners.
Warehouse	24x 60	17,000	C. M. & St. P. Ry.	Empire Elv. Co.
Warehouse	30x 50	17,000	Hunting & Co.	Owners.
Warehouse	30x 40	17,000	S. M. Durand.	Owner.
Warehouse	20x140	10,000	L. H. Wilson.	Owner.
Duane--				
Warehouse	30x 60	12,000	Empire Elevator Co.	Owners.
Monango--				
Elevator	30x 72	20,000	Gen. Dakota Elv. Co.	Owners.
Warehouse	30x 60	8,000	G. C. Bagley.	Owner.
Warehouse	30x 60	8,000	Empire Elevator Co.	Owners.
Warehouse		5,000	Jay F. Hagerty.	Owner.
Edgeley--				
Elevator	30x 60	18,000	G. C. Bagley.	Owner.
Warehouse	30x 60	8,000	J. B. Akern.	Owner.

Total capacity in North Dakota, 579,000.

* Not on company's ground.

List of elevators and grain warehouses located on the line of the Chicago & Northwestern Railway company in the State of North Dakota.

Location.	Capacity.	Owner.	Operator.
Oakes	20,000.....	Winona Mill Co.....	Winona Mill Co.
Oakes	20,000.....	McCarthy Bros.....	McCarthy Bros.
Oakes	12,000.....	Oakes Milling Co.....	Oakes Milling Co.
Ludden	25,000.....	G. W. Van Dusen & Co..	Van Dusen & Co.
Ludden	18,000.....	Winona Mill Co.....	Winona Mill Co.
Ludden	15,000.....	Ludden Elevator Co....	Ludden Elv. Co.
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Total capacity110,000			

Total elevator capacity on the different lines of railway in the State of North Dakota on the 31st day of December, 1891.

Name of Company.	No. of Bushels.
Northern Pacific Railroad company	5,888,000
Great Northern Railway company	12,081,000
Milwaukee, St. Paul & Sault Ste. Marie Railway company	377,000
Chicago, Milwaukee & St. Paul Railway company	579,000
Chicago & Northwestern Railway company	100,000
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Grand total	18,535,000

The following is the quantity of wheat shipped out of the State of North Dakota from the 1st day of August until the 31st day of December, 1891.

Name of Company.	No. of Cars.	No. of Tons.	No. of Bus.
Northern Pacific Railroad company	18,287	331,397	11,424,379
Great Northern Railway company	23,179	.....	14,480,384
Minneapolis, St. Paul & Sault Ste. Marie Railway company	1,916	.....	1,196,935
Chicago, Milwaukee & St. Paul Railway company	1,872	1,169,535
Chicago & Northwestern Railway company	214	133,690
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Total	45,468	331,397	28,404,913

The Northern Pacific Railroad company being the only one that reported the weight of the wheat shipped out of the state over its lines of road, all the wheat shipped out of the state over the other lines of road by the other railway companies is estimated at the same weight as that reported by the Northern Pacific.

COMPLAINTS, APPLICATIONS AND PETITIONS.

Since the 1st day of January, 1891, the following complaints, applications and petitions have been filed in the office of the Commissioners of Railroads, except those which had been filed prior to that date and were still pending in the courts.

These matters have received the prompt and careful attention of the Board, and some of them have been adjusted to the satisfaction of the parties interested.

None of these cases have been carried to the courts by the present board.

NORTHERN PACIFIC RAILROAD COMPANY.

No. 1. CHARLES M. COLEMAN AND THIRTY-THREE OTHERS OF COBURN, N. D., AND VICINITY VS. NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition by Mr. Coleman and others, of Coburn and vicinity, for a loading platform and a cattle chute at said Coburn, for the purpose of facilitating the shipment of grain and live stock at that place. Said petition was presented to the Board at their regular meeting on the 1st day of April, 1891, and the secretary was instructed to send a copy of the same to W. S. Mellen, general manager of the Northern Pacific Railroad company, and request that the prayer of the petitioners be granted.

Copy of petition was sent and request made on the 6th day of April, 1891, to which communication the following answer was received:

OFFICE OF THE GENERAL MANAGER,
NORTHERN PACIFIC RAILROAD COMPANY.
ST. PAUL, MINN., May 21, 1891.

M. J. Edgerley, Esq., Secretary Railway Commission, Bismarck, N. D.:

DEAR SIR: I have your letter of April 6th, in regard to certain improvements at Coburn, N. D. I beg to say that after examining the petition addressed to Mr. Walsh, I find that a large percentage of the names in said petition are those of farm laborers who are not shippers or people that would in any way be interested in such facilities, but are evidently put on to swell the number and add to the importance of the petition. Furthermore, some of the farmers signing it are as near to adjacent stations on our line as they are to Coburn. I find, also, that there never has been any necessity for opening a station there, as Leonard is only $5\frac{1}{2}$ miles distant and Sheldon 7.3 miles.

A sidetrack was put in at one time to be used as a passing track for trains; it is laid on level ground and is perfectly accessible to teams if it should become necessary to do any track loading at that place. The only business enterprise there is a very small country store. The fact is, that there is no commercial interest there calling for any improvements except possibly a portable stock chute, which we should be glad to put in on the guarantee of any of the shippers of a specific amount of stock.

Under the circumstances I do not think the Commission will wish to press this matter any further.

Yours very truly,

WM. S. MELLEN,
General Manager.

No. 2. H. S. BURNHAM AND SEVENTEEN OTHERS, OF MELVILLE, N. D., AND VICINITY VS. NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition by Mr. Burnham and others, of Melville, N. D., for a sidetrack and loading platform at said Melville, and for better train service on the Jamestown Northern between Jamestown and Leeds. Said petition was presented to the Board at its regular meeting on the 1st day of June, 1891, and the secretary was instructed to send a copy of [the same to W. S. Mellen, general manager Northern Pacific Railroad company, and request that the prayer of the petitioners be granted.

Copy of petition was sent and request made as directed.

No. 3. JOHN STEWART AND THIRTY-SIX OTHERS, OF GRIGGS COUNTY, N. D., VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was an application for a loading platform at the sidetrack of the S. C. & T. M. R. R. at Hannaford, N. D., for the purpose of loading wheat and other farm products.

Said application was presented to the Board at a special meeting of the Board, held at the Merchants hotel, St. Paul, Minn., on the 30th day of June, 1891, and the secretary was directed to send a copy of the same to W. S. Mellen, general manager of the Northern Pacific Railroad company, with a request that the prayer of the applicants be granted.

Copy of application was sent and request made as directed.

The following answer was received in response to the communications in Nos. 2 and 3.

OFFICE OF THE GENERAL SUPERINTENDENT,
NORTHERN PACIFIC RAILROAD COMPANY,
ST. PAUL, MINN., July 15, 1891.

Mr. M. J. Edgerley, Secretary Board of Railroad Commissioners, Bismarck, North Dakota:

DEAR SIR: I beg to acknowledge receipt of petition for the erection of platform at Hannaford on the S. C. & T. M. R. R., and at Millville, also for additional train service on the Jamestown & Northern railroad.

Superintendents have been instructed to arrange means of suitable and convenient access to cars by people desiring to load their wheat direct onto cars from the wagons. It appears to me that this will furnish all reasonable and necessary facilities for such loading, and that the railroad company should not be asked or expected to build these large platforms exclusively for the purpose of loading wheat. I hope the arrangements made for their convenience will prove to be satisfactory to your petitioners, and believe upon further consideration the Commissioners will conclude that the demand for these large and expensive platforms is not necessary nor reasonable.

In regard to questions of additional train service on the Jamestown & Northern, I beg to say that the present service is double what is warranted by the business, and that the line has always been operated at a loss, and that a tri-weekly service is all that could reasonably be expected, whereas a daily service is now provided for both freight and passengers.

Yours respectfully,

M. C. KIMBERLEY,
General Superintendent.

No. 4. J. B. STOM AND THIRTEEN OTHERS, OF JOHNSTOWN, GRAND FORKS COUNTY, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was an application for a loading platform at Johnstown station on the Northern Pacific railroad for the purpose of loading and unloading cars.

Said application was presented to the Board at a special meeting of the Board held at the Merchants hotel, St. Paul, Minn., on the 30th day of June, 1891, and the secretary was directed to send a copy of the same to W. S. Mellen, general manager of the Northern Pacific Railroad company, with a request that the prayer of the applicants be granted.

Copy of application was sent and request made as directed.

No. 5. THE PEOPLE OF CARRINGTON, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a verbal application made by the people of Carrington to Commissioner Walsh for a loading platform 100 feet long and 6 feet high at said Carrington.

Said application was presented to the Board at the regular meeting of the Board, held in the city of Bismarck, N. D., July 3, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the prayer of the applicants be granted.

The application was forwarded and request made as directed.

No. 6. THE PEOPLE OF ROSS SIDING, N. D., BETWEEN CARRINGTON AND SYKESTON, vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a verbal application made by the people of Ross Siding, N. D., to Commissioner Walsh, for a loading platform at said Ross Siding.

Said application was presented to the Board at the regular meeting of the Board, held at the city of Bismarck, on the 3d day of July, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the prayer of the applicants be granted.

The application was forwarded and request made as directed.

No. 7. DE RHODES & VAN STEINBERGH, OF ORISKA, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was an application for permission to erect an elevator on the right-of-way of the Northern Pacific Railroad company at Oriska, N. D.

Said application was presented to the Board at the regular meeting of the Board, held at the city of Bismarck, N. D., on the 3d day of July, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the prayer of the petitioners be granted.

The application was forwarded and request made as directed.

NO. 8. F. G. BARLOW, OF BARLOW, N. D., VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a verbal complaint, made to Commissioner Walsh by the said F. G. Barlow, to the effect that there was a shortage of cars during the year 1890, and that the said F. G. Barlow expected that the same would occur during the year 1891.

Said complaint was presented to the Board at its regular meeting, held at the city of Bismarck, N. D., July 3, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company.

The complaint was forwarded as directed.

NO. 9. THE FARMERS OF KELLY'S STATION, N. D., VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a verbal application made to Commissioner Walsh by the farmers of Kelly's station for a loading platform at said station.

Said application was presented to the Board at the regular meeting of the Board, held at the city of Bismarck, N. D., July 3, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the prayer of the petitioners be granted.

NO. 10. T. TWICHELL AND THIRTY-NINE OTHERS, OF MAPLETON, CASS COUNTY, N. D., AND VICINITY VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition of T. Twichell and thirty-nine others, of Mapleton, N. D., for a loading platform at said Mapleton.

Said petition was presented to the Board at the regular meeting of the Board, held at the city of Bismarck, N. D., on the 3d day of July, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with a request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

NO. 11. THOMPSON MORRISON AND TWENTY OTHERS, OF DRAYTON AND LINCOLN TOWNSHIPS, IN THE VICINITY OF PITTSBURGH STATION, PEMBINA COUNTY, N. D., VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition of Thompson Morrison and twenty others of Drayton and Lincoln townships, in the county of Pembina, N. D., for a loading platform at Pittsburgh station, in the county of Pembina, N. D.

Said petition was presented to the board at its regular meeting, held at the city of Bismarck, N. D., on the 3d day of July, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company with

a request that the prayer of the petitioners be granted. Copy of petition forwarded and request made as directed.

The following answer was received in response to the communications in Nos. 4 to 11, inclusive.

OFFICE OF THE GENERAL SUPERINTENDENT,
NORTHERN PACIFIC RAILROAD COMPANY,
ST. PAUL, MINN., July 15, 1891.

Mr. M. J. Edgerley, Secretary Board of Railroad Commissioners, Bismarck, North Dakota:

DEAR SIR: Your letter to General Manager Mellen, under date of the 4th inst., and referring to certain verbal statements and complaints made by Commissioner Walsh, has been referred to me for reply.

We of course desire, and intend to do all we can to facilitate the movement of wheat, and to that end have arranged to put in several spur tracks at points where they have been requested, and where tracks heretofore existing have been used exclusively for the passage of trains. We shall give instructions to have those tracks so located and arranged as to be readily accessible by farmers with their wagons. We do not, however, feel that it is reasonable to ask us to erect large platforms for the special purpose of reducing the labor of farmers in shipping their wheat. Such platforms are expensive and entirely useless for any other purpose.

As regards the shortage of cars complained of. We have added largely to our equipment and will make every effort to supply the cars that are needed. I have very little hope, however, of ever being able to supply all the cars that may be called for; in fact it would be impossible to provide with equipment extensive enough to meet the very large demand, based upon the desire to ship the entire crop of the country in the shortest possible space of time.

As regards the desire of Messrs. DeRhodes and Van Steinbergh to erect an elevator at Oriska. If the gentlemen will make application either to the general manager or myself, I presume there will be no difficulty in securing the necessary lease.

Respectfully yours,

M. C. KIMBERLEY,
General Superintendent.

NO. 12. JOHN AITCHISON AND TWENTY-ONE OTHERS, OF HOWE AND ADJACENT TOWNSHIPS IN THE COUNTY OF CASS, N. D., AND N. J. MCKAY AND ROBERT MCELDOWNEY, CHAIRMAN AND SECRETARY, RESPECTIVELY, OF A PUBLIC MEETING OF THE FARMERS OF THE SAID HOWE AND ADJACENT TOWNSHIPS VS. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition of John Aitchison and twenty-one others, of Howe and adjacent townships in the county of Cass, N. D., for a sidetrack and station at the "gravel pit," midway between Wheatland and Buffalo, in the said county of Cass, N. D., and resolutions were passed at the said public meeting for the same purpose.

Said petition and resolutions were presented to the Board, and the secretary was instructed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with request that the prayer of the petitioners be granted.

Copy of petition and resolutions forwarded and request made as directed.

The following answer was received in response to the same:

OFFICE OF THE GENERAL SUPERINTENDENT,
NORTHERN PACIFIC RAILROAD COMPANY,
ST. PAUL, MINN., July 15, 1891.

Mr. M. J. Edgerley, Secretary of Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: Referring to the petition of John Aitchison and others for a sidetrack midway between Wheatland and Buffalo, I beg to say that the petition in question misrepresents facts, inasmuch as it refers to a station shown on the maps and a board alongside the track, and called Magnolia, but the petitioners studiously omit the fact that at the station of Magnolia there exists a sidetrack, and that arrangements have already been made for the construction of a spur track to be used exclusively for loading wheat, in order that such loading may not interfere with the use of Magnolia sidetrack for the passing of trains. This point is four miles from Wheatland and five from Buffalo, leaving two and one-half miles the maximum distance parallel with the line which it is necessary to haul wheat for shipment.

I would respectfully submit that it is neither necessary nor reasonable to expect sidetracks at more frequent intervals, and hope the parties interested will find the facilities which we have already arranged for to be ample for their reasonable accommodation.

Yours respectfully,

M. C. KIMBERLY,
General Superintendent.

NO. 13. JOSEPH DIETRICH AND FIFTY-SIX OTHERS, OF THE CITY OF BISMARCK, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a petition of Joseph Dietrich and fifty-six others, of the city of Bismarck, N. D., for the building of a passenger depot suitable to the necessities and requirements of the said city of Bismarck.

Said petition was presented to the Board at its regular meeting on the 3d day of July, 1891. The secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the prayer of the petitioners be granted.

The following answer was received in response to the same.

OFFICE OF THE GENERAL SUPERINTENDENT,
NORTHERN PACIFIC RAILROAD COMPANY,
ST. PAUL, MINN., July 15, 1891.

Mr. M. J. Edgerley, Secretary of Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: I beg to acknowledge receipt of petition signed by Jos. Dietrich and others for the erection of a passenger Depot at Bismarck.

We already have at Bismarck two comfortable waiting rooms, which seem ample to accommodate all the business of that station. As regards platform accommodations they are better at that point than at most stations of equal size, and are as safe and convenient as it is possible for a railroad platform to be.

I will say further that so far as waiting rooms are concerned they are fully as good as at some other stations doing ten times the business. While we would be glad to oblige the people of Bismarck in any way possible, and while

we intend to furnish all necessary accommodations, I cannot just at the present time see the way clear to erect a new passenger station there.

Yours respectfully,

M. C. KIMBERLEY,
General Superintendent.

No. 14. PETER FYFE OF GILBY, GRAND FORKS COUNTY, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a statement in writing made to Commissioner Walsh that a numerously signed petition of the householders and freeholders of Gilby, N. D., and vicinity for a loading platform at said Gilby, was forwarded to the Commissioners of Railroads during the year 1890.

To which statement Commissioner Walsh announced as follows:

GRAND FORKS, N. D., July 6, 1891:

Peter Fyfe, Gilby, N. D.:

MY DEAR SIR: Yours of July 1st, 1891, at hand and noted. When the present Board came into office we found a large number of petitions from different portions of our State petitioning for platforms. We found that the old Board had been in correspondence with the several railroad companies in reference thereto, and upon looking up the correspondence, we found that in every case the companies had positively refused to comply with the petitions or with the request of the Board, giving as a reason that there were ample facilities at each station for the shipment of grain. When the present Board looked the matter up, we found there was no law upon books that could be enforced, and which you can readily see if you will read Section 1, Chapter 123, Session Laws of 1890, page 365, which reads: "Every railroad company, etc., etc., shall within 60 days after this act shall go into effect, upon notice from the Commissioners of Railroads, build, erect and complete, etc., etc."

You see by the wording of the section that the platform must be built within 60 days after the act went into effect, and upon notice from the Board. The act was approved Feb. 17th, 1890, the 60 days would expire April 17th, 1890, so that if any platform were to be built, they would have to be built before April 17th, 1890, and only upon notice from the Board of Railroad Commissioners.

The old Board not having any petitions (none appearing upon record) before April 17th, 1890, did not notify the railroad companies to erect any platforms prior to that time, and when the companies were notified or requested to build platforms after that time they claimed that the statute was not in force, so that the Board found they could not enforce the law, nor had they any law to enforce. The law was found to be defective in another particular.

Last winter Mr. Douglas, a member of the house from Walsh county, introduced a bill for the same purpose, covering the defects of the 1890 act (and which, if it had passed, could have been enforced) which bill passed the house, but was defeated in the senate. So we are practically without any law upon the subject.

However I will write to Northern Pacific officials and endeavor, if possible, to secure your people a platform.

Respectfully,

GEO. H. WALSH,
Chairman.

No. 15. E. WATTS, CHAIRMAN BOARD OF SUPERVISORS OF LEONARD TOWNSHIP, CASS COUNTY, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was an application by E. Watts, chairman board of supervisors of Leonard township, in the county of Cass, North

Dakota, on behalf of the people of said Leonard township to have a crossing put in across the tracks of the Northern Pacific railroad on the section line on the west side of Section 23 in said Leonard township.

The matter was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mellen, of the Northern Pacific Railroad company, with the request that the crossing be put in.

The matter was forwarded and request made as directed, and the crossing was put in as requested.

No. 16. RICHARD L. HOWELL, OF TOWER CITY, CASS COUNTY, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a claim for damages for the killing of a ewe belonging to the said Richard L. Howell, by the Northern Pacific railroad sometime in the spring of 1891.

The matter was duly presented to the Board, who directed the secretary to inform Mr. Howell that the Board of Commissioners of Railroads of this State have no jurisdiction of claims for damages, and that he must apply to the courts in such matters, which information was forwarded to the said Richard L. Howell on the 5th day of August, 1891.

No. 17. TISDEL & MELLENS, MERCHANTS OF MILNOR, N. D., vs. THE NORTHERN PACIFIC RAILROAD COMPANY.

This was a complaint in writing of discrimination and overcharge by the Northern Pacific Railroad company, in this that the Northern Pacific Railroad company carries calicoes and sheetings in the state of Minnesota as third class freight and charges third class rates, and carries the same goods in North Dakota as first class freight and charges first class rates.

Said complaint was duly presented to the Board, who directed the secretary to inform the said Messrs. Tisdell & Mellens that the Board of Commissioners of Railroads of this state have no jurisdiction of the matters complained of in their letter of the 13th of October, 1891, and that the same is a matter of inter-state commerce, which information was duly forwarded to Messrs. Tisdell & Mellens on the 5th day of November, 1891.

GREAT NORTHERN RAILWAY COMPANY.

No. 18. FRANK WRIGHTSON AND THIRTY-TWO OTHERS OF EASBY, CAVALIER COUNTY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition of Frank Wrightson and thirty-two others of Easby, Cavalier county, N. D., for a sidetrack at said Easby, about midway between Osnabrock and Langdon on the Langdon branch of the Great Northern railway.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, and request that the prayer of the petitioners be granted.

Copy of petition was forwarded and request made as directed. The following answer was received to said petition:

VICE-PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY,
ST. PAUL, MINN., July 31, 1891.

*Hon. M. J. Edgerley, Secretary North Dakota Railroad Commissioners,
Bismarck, N. D.:*

DEAR SIR: Referring to the application of sundry parties for a sidetrack, midway between Osnabrock and Langdon, I beg to say that in our opinion, the two stations named furnish all the facilities at the present time demanded in the portion of the country where they lie. An additional station cannot be afforded by the company in this vicinity until the traffic shall have largely and permanently increased. This line has not been able to take care of itself for the past two years, and to increase the cost and expense of the same by additional sidetrack and stations, would be wholly unwarranted.

Yours respectfully,

W. P. CLOUGH,
Vice-President.

NO. 19. THE FARMERS ELEVATOR COMPANY OF LIDGERWOOD,
N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application made by A. V. Benedict, president of the Farmers Elevator company, of Lidgerwood, N. D., for a site upon the right-of-way and sidetrack of the Great Northern Railway company at said Lidgerwood.

The said Farmers Elevator company had built a grain warehouse at said Lidgerwood, off of but adjoining the right-of-way, and had built a spur track and connected the same with the main line of the Great Northern railway, without the knowledge or consent of the Great Northern officials, who as soon as they discovered what had been done, gave orders and had the said spur track torn up and thrown off their right-of-way.

The Board visited Lidgerwood to investigate this matter, and afterwards visited Mr. A. L. Mohler, the general manager of the Great Northern Railway company, at his office in St. Paul, who stated that the Farmers Elevator company had done wrong, and that the Great Northern Railway company would not recede from the views expressed by them of the acts of the said Farmers Elevator company, of Lidgerwood, nor from their own action of tearing up the said spur track. But afterwards, through the intercession of the Board a compromise was effected between the said Farmers Elevator company and the Great Northern Railway company. The Farmers Elevator company giving to the Great Northern Railway company the material that was put into the said spur track, and the Great Northern Railway company placing the grain warehouse belonging to the said Farmers Elevator

company on the sidetrack on their right-of-way, which compromise gave entire satisfaction to both parties. (See also Commissioner Slotten's report.)

No. 20. J. L. COLTON, OF BURLINGTON, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application by J. L. Colton, of Burlington, N. D., for a reduction of coal rates, and the putting in of a sidetrack at Colton's mine, near Minot, N. D., and was pending before the Board during the year 1890, and upon which subject Mr. Colton addressed an open letter to the "citizens of North Dakota," which will be found on page 42 of the report of the Commissioners of Railroads for the year 1890.

Said application was duly presented to the Board, and the secretary was instructed to forward the same to General Manager Mohler, of the Great Northern Railway company with the request that the application be granted.

Copy of application forwarded and request made as directed.

The Board visited the said mines in January, 1891, to investigate the matter of said application.

The Board also visited General Manager Mohler in St. Paul to urge the building of a sidetrack at said mines, and to secure a reduction of the tariff on lignite coal over the lines of the Great Northern railway.

General Manager Mohler answered as follows:

OFFICE OF THE GENERAL MANAGER,
GREAT NORTHERN RAILWAY LINES.
ST. PAUL, MINN., April 1, 1891.

Hon. M. J. Edgerley, Chairman Railroad Commission, Bismarck, N. D.:

DEAR SIR: We can arrange, I think, a location for a side track just east of our Minot trestle, say one-half a mile, or a mile or so, where Colton can reach it with a team.

It is not safe, in our opinion, to locate a track west of the bridge at the place proposed, as that is our maximum grade, full of curves and blind places and greatly increases the liability of accidents.

We would put in this track on our usual terms as per blank contract hereto attached, which would put the track in ultimately at the expense of the company if a certain amount of shipment had been made by Mr. Colton.

Please advise me if the same would be satisfactory.

Yours truly,

A. L. MOHLER.

THIS AGREEMENT, Made this.....day of.....189..
between the.....party of the first part, and.....

.....party of the second part,
WITNESSETH: That the party of the first part has constructed, or is about to construct, a side or spur track, from its main track to the.....of said party of the second part, at.....a distance of about.....

.....which said party of the first part agrees to operate on the terms hereinafter written.
Said party of the second part hereby licenses and consents to the construction and maintenance of such track, and to the possession and use of the land upon which the same is constructed, for and during such time as the party of the first party may desire to maintain and use the same; and that such land may, at all times, be entered upon for the purpose of repairing and maintaining the same. The right to so enter upon such land and to construct and maintain such track is given free of charge to the party of the first part.

The party of the second part further agrees that all.....freight to or from.....business or industries along, upon or reached by way of said side track, shall be delivered to and

transported by the party of the first part over its line or lines of railway, if its charge and rate of transportation therefor is as reasonable and low as the rate over the lines of other and competing lines of railway, otherwise party of first part shall not be bound to maintain or operate same.

It is further agreed by the party of the second part that if the revenue from the transportation of freight from said to business or industries upon said spur track is not sufficient to meet the expense of maintaining and operating the same, the party of the first part shall have the right to remove it, and that it may abandon its use.

The material placed by the party of the first part upon land not belonging to it, and used in the construction and operation of such spur tracks, shall be and remain its property.

The party of the second part, in consideration of the premises and as an inducement to said party of the first part to make this agreement and to construct and operate said side track, hereby agrees that the party of the first part, its successors or assigns, shall not be liable for or on account of any loss or damage which may, at any time, in any manner, arise to the party of the second part, heirs or assigns or bailees, by reason of fire communicated to the buildings of the party of the second part, now or hereafter to be erected, or to the contents thereof, or to property of any kind owned or stored by said party of the second part along said track, by the locomotives, engines, cars or trains of the party of the first part, its successors or assigns, or arising in any manner from the operation of said side or spur track; and to that end the party of the second part agrees, will make no claim against the party of the first part, its successors or assigns, for any loss, damage, charge or expense of any kind that may grow out of the fire set by or communicated from the locomotives, trains or cars of the party of the first part upon or along said track.

It is further agreed that upon the completion of said side or spur track by the party of the first part, the party of the second part shall pay to it the cost of such construction, including all materials, switches and frogs, and all appliances reasonably necessary to its operation and maintenance, and also cost of labor. If the said side or spur track has been constructed at the time of the execution of this contract, then the party of the second part is to pay to the party of the first part the cost of such construction, including all materials, switches and frogs and appliances, and the cost of labor.

It is further agreed by the party of the first part that it will refund to said party of the second party 25 per cent. of the revenue derived (except switching charge) by it from shipments made by or to said party of the second part from or to industries or points on said side or spur track, by way of the lines and tracks of the party of the first part, until the amount of the cost of such side track, excluding the cost of grading and ties, shall have been fully refunded; provided, that said party of the second part shall make shipments from or receive shipments to industries or points on said sidetrack within two years from the date hereof, in such an amount that 25 per cent. of the revenue derived therefrom by the party of the first part shall be sufficient to pay or refund said amount. If, within two years, 25 per cent. of the revenue of such shipments is not sufficient to equal said amount, then, after that date, no further payment or refund is to be claimed or made.

It is further agreed that the party of the first part may use such side or spur track in connection with any extension of the same which it may construct for the purpose of reaching business and industries other than the business and industries of the party of the second part, and that it may handle and transport the business of others, either upon or along said side or spur track, and any extension thereof; but such business shall be handled in such way and at such times as not to unnecessarily and unreasonably interfere with the handling of freight and business of said party of the second part upon or along said track.

OFFICE OF THE GENERAL MANAGER,
GREAT NORTHERN RAILWAY LINES.
ST. PAUL, MINN., May 6, 1891.

Mr. M. J. Edgerley, Secretary Railroad Commission, Bismarck, N. D:

DEAR SIR: Your favor of the 2nd. I am likely to be out on that line within a week or ten days, but do not expect to leave here before the 12th unless I get through with the grand jury upon which I am unfortunately serving.

I presume we could wire Mr. Colton in advance and meet him on the ground, that you would be equally well satisfied and we will try to convince him, or he will convince us, that one or the other is wrong.

If you concur in this arrangement I will try and arrange it accordingly.

Yours truly,

A. L. MOHLER.

And afterward answered the matter of lignite coal rates as follows:

OFFICE OF THE GENERAL MANAGER,
GREAT NORTHERN RAILWAY LINES.
ST. PAUL, MINN., June 23, 1891.

Mr. M. J. Edgerley, Secretary Railroad Commission, Bismarck, N. D:

DEAR SIR: I hand herewith a list of coal rates which we will adopt within a few days. They are about the rates that will be applied. There may be a few slight changes. I have shown the proposed rates per ton, and the present rates.

This makes quite a large reduction in the rates now in effect to the district where Mr. Colton ought to sell the most coal. They are not as low as those made by the Northern Pacific, because there is not the volume of business offered, and the service to us is much more expensive.

We have been considerably delayed in this matter on account of the large amount of construction and renewal work on hand.

Yours truly,

A. L. MOHLER.

Afterwards, and on the 6th day of July, 1891, a reduction of coal rates was granted and a new tariff on lignite coal was issued by the Great Northern Railway company, which tariff has been set forth fully heretofore in this report, and for further particulars in the matter of the sidetrack, see report of Commissioner Walsh.

No. 21. STOCKDALE, TUTTLE & CO. AND THIRTY-EIGHT OTHERS, OF GRAND FORKS, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by Stockdale, Tuttle & Co. and thirty-eight others, of Grand Forks, N. D., for the construction of a "Y" or some other suitable means for transferring cars from the Great Northern railway to the Northern Pacific railroad and reverse at the said Grand Forks. (This same matter was before the Board during the year 1890, and for a history of that case we refer you to pages 17 to 20, report of Commissioners of Railroads for 1890; but as the decision and judgment of the court in that case had not been rendered when said report was made, said decision and judgment will be found hereinafter.)

Said petition was duly presented to the Board, and the Board visited General Manager Mohler, of the Great Northern Railway company, at his office in St. Paul, and urged the building of the said "Y." Mr. Mohler at that meeting, on behalf of the Great Northern Railway company, emphatically refused to build the said "Y," and stated that the business men of Grand Forks did not want the "Y" built. The Board afterwards met with the chamber of commerce of Grand Forks, at that place, and the said chamber of commerce were unanimously in favor of building the said "Y." The Board again visited General Manager Mohler on the subject matter of this case, and Mr. Mohler at this time said he would take the matter into consideration, and afterwards the Board and General Manager Mohler met with the chamber of commerce of Grand Forks, at that place, and after discussing the matter with the business men of Grand Forks, Mr. Mohler agreed to and afterwards built the "Y," which is now in use. For further particulars in this case we refer you to the report of Commissioner Walsh.

No. 22. S. McLAUGHLAN, OF HAMILTON, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application by S. McLaughlan, of Hamilton, N. D., as a committee of one, for a loading platform at said Hamilton,

and for information as to what constitutes a carload of wheat under the law.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, and request that the application be granted and information furnished.

Copy of application was forwarded and request made as directed, to which communication W. P. Clough, vice president Great Northern railway, responded as follows:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., June 9, 1891.

Mr. M. J. Edgerley, Secretary Board Railroad Commissioners, Bismarck, North Dakota:

DEAR SIR: I have before me your letter of the 22nd ult., addressed to the General Manager of this company, upon the subject of a communication from S. McLaughlan of Hamilton, N. D. In regard to the practice of our company, in relation to loading cars to their full capacity, I would say it is this.

In order to make all of our car capacity available, as far as possible, and economize in the use of equipment, we require cars to be loaded to their full capacity, except in rare cases, where such a thing is impossible, as when an elevator is cleaning out, or a farmer has not quite the maximum capacity of wheat on hand to load. A grain loading platform at Hamilton is unnecessary, as the facilities for loading grain by other methods, are already ample.

Yours respectfully,
W. P. CLOUGH,
Vice President.

No. 23. FRED L. BROWN AND TWENTY-EIGHT OTHERS, OF SILVER LEAF, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a complaint by Fred L. Brown and twenty-eight others, of Silver Leaf, N. D., to the effect that the Great Northern Railway company had promised to build a depot inside of sixty days after they had secured the right-of-way, and also an application for a loading platform at said Silver Leaf.

Said complaint and application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the depot and loading platform be built at Silver Leaf.

Copy of complaint and application forwarded and request made as directed, to which complaint and application the following response was received:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., July 31, 1891.

Hon. M. J. Edgerley, Secretary N. D. Railroad Commission, Bismarck, N. D.:

DEAR SIR: Referring to the petition from the people of Silver Leaf, Dickey county, for the erection, by this company, of a station building at that point, I beg to say that Mr. Delano's letter was written in good faith, and with-

out any intention to deceive the people of the locality. The difficulty has been, that very soon after the road was built poor seasons came on and have continued ever since, and traffic on that line has been reduced to so small a volume that mere operating expenses have hardly been covered. It looks now, however, as thought better times were coming, and the people in that vicinity will be cared for as soon as practicable.

Let them have patience a little while longer and all will come out to their satisfaction.

Yours respectfully,

W. P. CLOUGH,
Vice President.

NO. 24. JAMES McCORMICK AND FIFTY-THREE OTHERS, OF PENN, N. D., AND VICINITY VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition of James McCormick and fifty-three others, of Penn, N. D., and vicinity, for a platform and waiting room at said Penn.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed, to which the following answer was made:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., July 31, 1891.

Hon. M. J. Edgerley, Secretary N. D. Railroad Commission, Bismarck, N. D.:

DEAR SIR: Referring to the application of the people of Penn, for the building of a station, I would allege the same reason why one has not been built, up to date, as stated in my letter concerning Silver Leaf station, with this difference: That the traffic delivered at Penn is much smaller than that delivered at Silver Leaf. This company is always willing and prompt to supply all real public needs, and at all stations where the traffic will justify the expense of putting up a house and furnishing an agent, they are always supplied at the earliest practicable moment.

Yours respectfully,

W. P. CLOUGH,
Vice President.

NO. 25. GEORGE J. COULTHARD, OF OMEMEE, BOTTINEAU COUNTY, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a sidetrack at Omemee in Bottineau County, N. D., about midway between Willow City and Bottineau, by George J. Coulthard, of Omemee.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company with the request that the application be granted.

Copy of application forwarded and request made as directed, to which application the following answer was made:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY,
ST. PAUL, MINN., July 31, 1891.

Hon. M. J. Edgerley, Secretary Railroad Commission, N. D.:

DEAR SIR: Referring to the application for a siding between Bottineau and Willow City, the same conditions exist there as exist in the country between Osnabrock and Langdon. The fact is that both these lines have been operated the past two years by the company for the good of the locality, and not for any profit to itself, and it cannot justly be asked to do more than it is now doing.

Yours respectfully,

W. P. CLOUGH,
Vice President.

No. 26. WILLIAM MILLER AND ELEVEN OTHERS, OF OMEMEE, BOTTINEAU COUNTY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This is the same as No. 25, and the same answer applies to it.

No. 27. JOHN F. ANDERSON AND SIXTY OTHERS, CITIZENS OF MILTON, CAVALIER COUNTY, N. D., AND VICINITY, vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by John F. Anderson and sixty others, citizens of Milton, Cavalier county, N. D., and vicinity, for a site upon the sidetrack of the Great Northern Railway company at said Milton upon which to remove and operate a grain warehouse.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.
The following answer was made to said petition.

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY,
ST. PAUL, MINN., August 3, 1891.

Hon. M. J. Edgerley, Secretary North Dakota Railroad Commission, Bismarck, N. D.:

DEAR SIR: Referring to the petition of sundry parties living near Milton for a site upon the sidetrack at that station for a grain warehouse, I beg to say that that sidetrack is already filled up and no space for additional houses is available. There are already five elevators, a lumber yard, a coal shed and a cattle chute on the sidetrack at Milton, and we must reserve space for a stock yard in addition, adequate to the needs of the section. You will therefore see that we are not in a position to grant the request.

Yours respectfully,

W. P. CLOUGH,
Vice President.

No. 28. J. D. TAYLOR AND SEVENTY OTHERS, OF CHURCH'S FERRY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition of J. D. Taylor and seventy others, of Church's Ferry, N. D., for a spur track and loading platform at Church's Ferry.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

The following answer was received to said petition.

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, Minn., July 31, 1891.

Hon. M. J. Edgerley, Secretary N. D. Railroad Commissioners:

DEAR SIR: Referring to the application for a spur track at Church's Ferry, I would say that facilities, in our opinion ample, have already been provided at that point, for all the traffic offered there. Recent work has been done along the existing track at that station, with a view to making team loading convenient, consequently, I think the difficulties in the minds of the signers of the petition have already been overcome.

Yours respectfully,

W. P. CLOUGH.

NO. 29. D. H. HOUSTON, OF HUNTER STATION, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a spur track to Mr. Houston's farm near Hunter station, N. D.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Copy of application forwarded and request made as directed, and the following answer was received to said application:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, Minn., July 31, 1891.

Hon. M. J. Edgerley, Secretary N. D. Railroad Commission, Bismarck, N. D.:

DEAR SIR: Referring to the application of Mr. D. H. Houston for a spur track to his land near Hunter, I beg to say that we are very anxious to accommodate Mr. Houston in all reasonable ways, but we cannot encourage the practice of running out spurs between stations to individual farms. Every such spur is a source of danger in operation and of increased expense for maintenance. If we do it for one man, we generally should be forced to do it for his neighbor.

Mr. Houston's land lies very close to Hunter station, and the short haul required to ship his grain from that point cannot be any considerable burden. Hunter is already quite well supplied with grain houses, but if Mr. Houston is especially desirous of having one of his own, we feel sure we can accommodate him with a good site at that point. I am not aware that he has ever applied to any authorized officer of the company for any such facility, and do not know why he should have troubled the Commissioners with a mere matter of private business that could have been disposed of by conferring with the representatives of the company directly.

Yours respectfully,

W. P. CLOUGH,
Vice President.

NO. 30. DAVID M. KENNEY AND TWENTY-THREE OTHERS, OF MAYVILLE, TRAILL COUNTY, N. D., AND VICINITY VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition for the improvement of what is known as the Mayville Branch of the Great Northern railway line, by David M. Kenney and twenty-three others, of said Mayville and vicinity.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

NO. 31. HENRY SHEEN AND THIRTEEN OTHERS, OF PAGE, CASS COUNTY, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a daily train on the Hope Branch of the Great Northern Railway, and for a loading platform at Page, Cass county, N. D., and also a complaint to the effect that trade and business was being diverted from Page by reason of the better and greater facilities furnished the farmers by the Northern Pacific railroad, sixteen miles distant, by Henry Sheen and thirteen others of said Page.

Said application and complaint was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted and the complaint considered.

Copy of application and complaint forwarded and request made as directed.

NO. 32. THE BOARD OF TRADE OF ROLLA, N. D., BY C. Y. WILBUR AND WM. H. BECKER, ITS PRESIDENT AND SECRETARY, VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application by the board of trade of Rolla, N. D., for better train service on the St. Johns Branch of the Great Northern railway line.

Said application was duly presented to the Board, and the secretary was directed to forward the same, with the request that the application be granted, to General Manager Mohler, of the Great Northern railway.

Copy of application forwarded and request made as directed.

NO. 33. THE PEOPLE OF HOPE, BY E. D. WALLACE, JOHN J. WAMBAY, GEORGE H. LUCE AND H. H. WASEM, OF SAID HOPE, VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a complaint against the train service, freight charges and general facilities for loading and unloading freight at said Hope, and an application for better train service, reduction in freight rates, and a sidetrack and loading platform at said Hope.

Complaint and application duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Copy of complaint and petition forwarded and request made as directed.

The following answer was made to Nos. 30, 31, 32 and 33.

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., Aug., 28, 1891.

Hon. Geo. H. Walsh, Chairman Railroad Commissioners, N. D., Bismarck, N. D.:

DEAR SIR: I have before me copies of petitions to your Commission, from various parties residing along this company's Hope Branch, asking for increased train service. As is usual in such cases, people who have no knowledge of the precise facts magnify them in their own minds many times over. The truth is, that all the earnings of the company, from all traffic originating on or destined for the Hope Branch are only about one-half per annum of that supposed, and at least 75 per cent. of this amount is earned by moving the freight or passengers upon other lines of the company. We are always desirous of affording every community, and every region where our lines run, all the facilities that fairly may be required, and we must be permitted to claim that the needs of the traffic are much better known to ourselves, who are daily and hourly watching the same, than can possibly be known to any individuals having no direct connection with the company's business.

What is said in regard to this line is true also of the St. John Branch and the Mayville Branch, in respect to which other similar petitions have been presented to the Commission. We are now giving, and shall in the future give, the last train mile of service to every part of the road that the business will possibly justify or support. The fact is that our branch lines in Dakota have not yet become remunerative. We trust they will become so, some time in the future, and believe they will; but in the meantime it would be unjust, to charge upon other regions and other communities the cost of affording people along these branches a service which they cannot afford to patronize sufficiently to make the same compensatory sufficiently to return the outlay.

Yours respectfully,

W. P. CLOUGH,
Vice President.

NO. 34. M. T. HEGGE AND FIFTY-NINE OTHERS, OF HATTON, N. D., AND VICINITY VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by M. F. Hegge and fifty-nine others, of Hatton, N. D., and vicinity, for a loading platform at said Hatton.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

NO. 35. HENRY HALE AND FIFTEEN OTHERS, RESIDENTS AND TAXPAYERS OF THE CITY OF DEVILS LAKE, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by Henry Hale and fifteen others, residents and taxpayers of the city of Devils Lake, N. D., for a load-

ing platform at the said city of Devils Lake.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

No. 36. ROBERT JOHNSON AND ONE HUNDRED AND SEVEN OTHERS, OF CANTON, N. D., AND SECTION TRIBUTARY THERETO VS. THE GREAT NORTHERN RAILWAY COMPANY.

No. 37. WM. N. HUSBAND AND THIRTY-SEVEN OTHERS, OF CANTON, N. D., AND SECTION TRIBUTARY THERETO VS. THE GREAT NORTHERN RAILWAY COMPANY.

Nos. 36 and 37 are petitions for the building of a station house and loading platform at Canton, N. D.

Said petitions were duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copies forwarded as directed and request made.

No. 38. D. W. McCANNA AND SEVENTY-FOUR OTHERS, OF THE COUNTY OF TOWNER, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a loading platform at Cando in the said county of Towner, by D. W. McCanna and seventy-four others, of said county.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company with the request that the application be granted.

Copy of application forwarded and request made as directed.

No. 39. JOHN GOLTZ AND ELEVEN OTHERS, OF HAVANA, IN THE COUNTY OF SARGENT, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by John Goltz and eleven others, of Havana, Sargent county, N. D., for a loading platform at said Havana.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern railway, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

No. 40. DAVID WILLIAMSON AND SIXTY-SEVEN OTHERS, BONA FIDE RESIDENTS, FARMERS AND BUSINESS MEN OF BOTTINEAU COUNTY, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

NO. 41. THE BOARD OF COUNTY COMMISSIONERS, OF BOTTINEAU COUNTY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

No. 40 was a petition by David Williamson and sixty-seven others, of Bottineau county, N. D., and No. 41 was a resolution passed by the board of county commissioners, of Bottineau county, both being for a loading platform at Bottineau in said county.

Said petition and resolution was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

The following answer was received to Nos. 34, 35, 36, 37, 38, 39, 40 and 41:

ST. PAUL, Minn., July 31, 1891.

Hon. M. J. Edgerley, Secretary Railroad Commissioners, N. D., Bismarck, N. D.:

DEAR SIR: Referring to the sundry petitions for the construction of loading platforms at stations in your State, I beg to say that we do not think such a platform needed at either of the stations referred to. At each of them, existing facilities for handling grain, including team loading, have shown themselves ample for all the business likely to be offered.

Our action in regard to these applications is rather on the ground of principle than of the expense involved in the particular cases. We do not think it within the power of the legislature to put any such requirement upon the companies. Nobody is half so much interested in the furnishing of the best facilities actually required for traffic, as the company itself. Neither the company nor any of its officers, has a penny of interest in any existing grain house, or elevator along the road, and its declination to increase the cost of the plant at numerous stations in the grain growing districts, by the putting in of platforms, such as are here asked for, does not spring from any desire to assist any existing concern, but merely from the conviction that all needful facilities have been already supplied.

Yours respectfully,

W. P. CLOUGH,
Vice President.

NO. 42. THE PEOPLE OF HAMILTON, N. D. vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a site upon the sidetrack at Hamilton, N. D., by the people of Hamilton.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Copy of application forwarded and request made as directed, to which application the following answer was received:

OFFICE OF THE GENERAL MANAGER,
GREAT NORTHERN RAILWAY LINE.
ST. PAUL, Minn., July 26, 1891.

Hon. M. J. Edgerley, Secretary Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: Regarding the building of an elevator at Hamilton. The company has no more room at that point that it wishes to utilize for that pur-

pose. It has refused two applications this year and last from the old line elevator companies upon the same ground.

The ground still vacant is intended for fuel and lumber yards, and it would object to the improvement as called for, because it considers that with its track loading privilege and the number of houses now erected at that point we are more than amply able to take care of all the grain that is offered.

Yours truly,

A. L. MOHLER.

No. 43. CHARLES W. JOHNSON AND THIRTY-SIX OTHERS, OF CAVALIER, PEMBINA COUNTY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a petition by Charles W. Johnson and thirty-six others, of Cavalier, Pembina county, N. D., for better train service and reduction of freight rates on the Cavalier Branch of the Great Northern railway line.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to the general manager of the Great Northern Railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed, to which petition the following answer was received:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., Aug., 28, 1891.

Hon. Geo. H. Walsh, Chairman State Railroad Commissioners, Bismarck, N. D.:

DEAR SIR: I have before me your communication of 23rd ult., addressed to the general manager of this company, relating to the object of rates on our Cavalier line. Such matters are not incidents with us, no guess work. The schedule of rates on the Cavalier line was put there after a thorough consideration of the subject from every side. You are undoubtedly aware that the operation of branch lines like the Cavalier line, on which the volume of traffic is small, costs much more per passenger, or per ton, than upon a main line where the volume of traffic is much larger. The cost of handling traffic on the Cavalier line is really much greater than has been expressed in the schedule of rates; so that, instead of the people along that line having occasion to complain, the contrary is the case, and they should congratulate themselves that the railroad company has itself assumed a burden that might justly be put on them.

I think the country along the Cavalier line will prosper under the tariffs as we make them, and as soon as tariffs reach the volume which will justify a reduction of rates, it will undoubtedly be made, following the precedents of the past in this regard.

Yours respectfully,

W. P. CLOUGH,
Vice President.

No. 44. J. F. HAGERTY, OF MONANGO, DICKEY COUNTY, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a site for a grain warehouse on the sidetrack of the Great Northern Railway company at Silver Leaf station, N. D. Mr. Hagerty had built a flat-house on the right-of-way of the Great Northern Railway company at Silver

Leaf without permission of the company, and had been enjoined by the company from using the said flat-house.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Copy forwarded and request made as directed.

NO. 45. JOHN F. ANDERSON, H. T. HELGESEN AND CHAS. W. PLAIN AND FIFTY-EIGHT OTHERS, OF MILTON, N. D., AND VICINITY VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application for a site upon the sidetrack at Milton, N. D., upon which to remove and operate a grain warehouse by John F. Anderson, H. T. Helgesen and Chas. W. Plain and fifty-eight others, of Milton, N. D., and vicinity.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Copy of petition forwarded and request made as directed.

NO. 46. THE PEOPLE OF PAGE CITY, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Page City, N. D., made to Commissioner Walsh, to have the crossing of the railroad track in said Page City enlarged, and to have the west end of coal house removed and a loading platform at said Page City, also to have a crossing put in half a mile south of Page City at Thompson's farm.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 47. THE PEOPLE OF HAMILTON, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application of the people of Hamilton, N. D., for a loading platform at said Hamilton.

Application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 48. THE PEOPLE OF CLIFFORD, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application asking the railway company to lower the platform at the depot.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 49. THE PEOPLE OF NORTHWOOD, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Northwood, N. D., wanting the cattle chute at said Northwood removed to a greater distance, as it was too close to the elevators. They also want a sidetrack built on west side of depot to accommodate the merchandise business, and a loading platform at said Northwood.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 50. THE PEOPLE OF OSNABROCK, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was an application by the people of Osnabrock, N. D., asking for the erection of a depot at said Osnabrock for the accommodation of passengers and freight.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 51. THE PEOPLE OF EDINBURGH, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Edinburgh, N. D., for the erection of a depot for the accommodation of passengers and freight at said Edinburgh.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 52. FINSITH & EATON, OF MILTON, N. D., vs. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by Finsith & Eaton, of Milton, N. D., for a spur from side track at station to their flour mill.

Said application was duly presented to the Board, and the secretary was instructed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 53. THE PEOPLE OF PARK RIVER, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Park River, N. D., for a loading platform at said Park River.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 54. B. F. WISE, OF PARK RIVER, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by B. F. Wise, of Park River, N. D., for a site upon the sidetrack upon which to build a grain warehouse at said Park River.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 55. THE PEOPLE OF INKSTER, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Inkster, N. D., for a loading platform at said Inkster.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 56. THE PEOPLE OF NECHE, PEMBINA COUNTY, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Neche, Pembina county, N. D., for a loading platform at said Neche.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

NO. 57. THE PEOPLE OF UNION, N. D., VS. THE GREAT NORTHERN RAILWAY COMPANY.

This was a verbal application by the people of Union, N. D., for a sidetrack at said Union.

Said application was duly presented to the Board, and the secretary was directed to forward the same to General Manager Mohler, of the Great Northern Railway company, with the request that the application be granted.

Application forwarded and request made as directed.
The following answer was received to all cases from No. 44 to No. 57, inclusive:

VICE PRESIDENT'S OFFICE,
GREAT NORTHERN RAILWAY COMPANY.
ST. PAUL, MINN., August 31, 1891.

Hon. M. J. Edgerley, Secretary State Railroad Commissioners, N. D., Bismarck, N. D.:

DEAR SIR: I have before me your letter of July 4th, addressed to the general manager of this company, relating to certain complaints which have been presented to you, and beg to reply as follows:

First. With reference to Mr. J. F. Haggerty's house, I would say that Mr. Haggerty attempted to invade our right-of-way, not only without permission, but against our protest. He belongs to a very large class of people in your State, who think they own the railroads themselves. In order to correct his notions concerning the company's rights, an injunction was procured, which still stands. We have not seen anything to change our opinion concerning this matter, and do not intend to allow Mr. Haggerty to open the house. Our control over our own property in these matters has always been exercised strictly in the public interest, and wherever applications for space on our ground for warehouse purposes have been declined, it has been for the best of reasons, namely, either want of space, or doubt as to the fitness of the applicant for conducting the business with safety to his customers. We always feel something of a moral responsibility for the good conduct of warehouse and elevator men admitted to our grounds, and before an application for space for such a house is granted, the most careful inquiries and consideration are given to the subject.

Second. With reference to the street crossing at Page City, the coal house is not in anybody's way, in its present location. There is a clear space at least sixty feet in width for the crossing, at the present time.

Third. With reference to the road crossing, one-half mile south of Thompson's farm, I will have the same investigated at once, and if the request shall be found a reasonable and proper one, it will be complied with cheerfully.

Fourth. With reference to the height of the platforms at Reynolds and Clifford, I will say that my attention will be given to the same, and they will probably be lowered.

Fifth. With reference to the house track at Northwood, we hardly consider it necessary during the present autumn. The construction and replacement work on our hands of a more pressing character is, as you know, on such a vast scale that many matters that otherwise would be taken up at once will have to be postponed to another year. It is impossible to see what objection can be reasonably urged to the location of the cattle chute at this place. We think it is best located as it is; otherwise, we should have put it some where else.

Sixth. With reference to construction of station buildings at various points, I can only refer you to previous communications upon these subjects. We shall put them in at all points as soon as the business justifies.

Seventh. With reference to mode of running trains, this is a subject of constant study with us, how best to accommodate the largest proportion of the public, and as soon as any change in existing train service is found to be required by the public needs, the change is made as soon as practicable.

Eighth. With respect to the application of citizens of Union, for a side-track, I would say that, in our opinion, it is not demanded by the general public necessity along this line. We have already more stations and side-tracks there than the public patronage will support.

Yours respectfully,

W. P. CLOUGH,
Vice President.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

No. 58. A. M. HOVLAND AND NINETY-THREE OTHERS, OF HICKSON, CASS COUNTY, N. D., AND VICINITY, VS. THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

This was a petition by A. M. Hovland and ninety-three others, of Hickson, Cass county, N. D., and vicinity, for a station building at said Hickson.

Said petition was duly presented to the Board, and the secretary was directed to forward the same to General Manager A. J. Earling, of said railway company, with the request that the prayer of the petitioners be granted.

Copy of petition forwarded and request made as directed.

No. 59. THE PEOPLE OF TYLER, RICHLAND COUNTY, N. D., VS. THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

This was a verbal application for a loading platform at Tyler, Richland county, N. D., by the people of Tyler and vicinity.

Said application was duly presented to the Board, and the secretary was directed to forward the same to A. J. Earling, general manager of the Chicago, Milwaukee & St. Paul Railway company, with the request that the application be granted.

Application forwarded and request made as directed.

The following communication was received in answer to Nos. 58 and 59:

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY,
GENERAL MANAGER'S OFFICE,
CHICAGO, May 5, 1891.

Mr. M. J. Edgerley, Secretary Railroad Commissioners of North Dakota, Bismarck, N. D.:

DEAR SIR: Your favor of the 25th ult., together with a petition from the residents of the towns of Hickson and Tyler, N. D., are at hand. In reply, I beg to say that if the crop prospects continue as favorable as the present outlook seems to indicate, the company will afford all the necessary facilities for the proper handling of the business at all of its stations.

Owing to the failure of crops in Dakota during the past few years, we have not felt that we could afford to increase our expenses at any of the stations. In fact business has been so light that it seemed almost necessary to close some of the stations rather than to create additional ones.

Yours truly,

A. J. EARLING,
General Manager.

Since receiving the foregoing answer a station building has been erected at said Hickson, which does not quite come up to the demands of the petitioners, but is quite an improvement to the station.

No. 60. THE ELLENDALE MILL COMPANY VS. THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

This was a complaint for overcharge, and we give the correspondence in full.

ELLENDALE MILL COMPANY,
ELLENDALE, N. D., May 28, 1891.

Honorable Board Railroad Commissioners, Oakes, N. D.:

GENTLEMEN: Some time since we shipped a car of North Dakota coal from Dickinson as a matter of experiment as to quality and cost. The coal was shipped to Edgeley over the Northern Pacific, and was by that line transferred to the Milwaukee. The distance from Edgeley to Ellendale is twenty-seven miles. The rate per hundred charged by the Milwaukee for this distance was 7 cents. Can they legally make this charge?

Kindly give us your decision on this as soon as convenient.

Yours,

ELLENDALE MILL CO.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, July 4, 1891.

A. J. Earling, General Manager C. M. & St. P. Ry. Co., Chicago, Ill.:

DEAR SIR: Inclosed you will find copy of a letter from the Ellendale Mill company, to the Commissioners of Railroads of this State.

I have been directed to inquire of you if the statement contained in this letter is true, and if so, to call your attention to Sections 1, 2 and 3, of Chapter 125, of the Session Laws of 1890.

I have also been directed to further call your attention to the fact that such a rate would prohibit the Ellendale Mill company from using North Dakota coal.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY,
OFFICE OF FREIGHT TRAFFIC MANAGER,
CHICAGO, July 31, 1891.

Mr. M. J. Edgerley, Secretary Railroad Commission, North Dakota. Bismarck, N. D.:

DEAR SIR: Almost continuous absence has prevented prompt attention to your letter of July 4th to A. J. Earling, general manager, relative to the complaint of the Ellendale Mill company, in regard to shipment of coal, Edgeley to Ellendale. We did not anticipate any shipments over our line of coal mined in North Dakota. Please suggest to the Ellendale Mill company that if they will send me their expense bill, I will make prompt correction.

Yours truly,

A. C. BIRD,
Freight Traffic Manager.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, August 3, 1891.

Ellendale Mill Company, Ellendale, N. D.:

DEAR SIR: Inclosed find copy of communication from A. C. Bird, freight traffic manager of the Chicago, Milwaukee & St. Paul Railway company, which I hope will settle the matter referred to in your communication to the Commissioners of Railroads, dated May 28, 1891.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

As this matter has not been heard from since our last communication to the Ellendale Mill company, it may be presumed that it has been settled satisfactorily.

MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY COMPANY.

No. 61. THE SOUTHWESTERN ELEVATOR COMPANY, OF SHELDON, RANSOM COUNTY, N. D., vs. THE MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY COMPANY AND THE NORTHERN PACIFIC RAILROAD COMPANY.

We give this complaint and correspondence connected therewith in full. Also the information filed by Commissioner Walsh against the elevators, as it appears in the correspondence.

OFFICE OF ED. PIERCE, ATTORNEY AT LAW.
SHELDON, N. D., October 7, 1891.

Hon. Geo. H. Walsh, Grand Forks, N. D.:

DEAR SIR: Following up the interview between yourself and our attorney Mr. Rourke, I submit you the following history of the difficulty between the Southwestern Elevator company of Sheldon, and the Minneapolis, St. Paul & Sault Ste. Marie Railway company.

During the month of August, 1891, the company completed that part of their railroad between the Sheyenne river and the crossing of the Southwestern railroad in this county, located a station and built a side-track on Sections 5 and 8, Township 135, Range 54, and called the same Anselm.

Between the 1st and 10th of September, 1891, for the purpose of loading and shipping wheat, we erected a set of scales, and a platform about 10 feet high and 120 feet long at the point indicated on the enclosed diagram.

A correct description of the tract of land upon which the platform is erected is as follows: "Commencing at a point where the east line of the right-of-way of Minneapolis, St. Paul & Sault Ste. Marie railroad intersects the south line of Section 5, in Township 135, north of Range 54, and running thence in a northwesterly direction along the east side of said right-of-way 300 feet, thence in a northeasterly direction at right angles to said right-of-way line 100 feet, thence in a southeasterly direction on a line parallel to said right-of-way line and 100 feet distant from the same to the said south line of said Section 5, thence due west along said section line to the place of beginning, and containing 71-100 acres."

The side of the platform nearest the railway is 50 feet from the center of the main track and about 8 or 10 feet from the outside rail of the side-track.

About three days after the completion of the platform the division superintendent notified us to remove the same, stating that unless we did so at once he would be obliged to remove it himself.

This threat was repeated two or three times, and finally, on the 17th of September, the employes of the railway company forcibly tore up a part of each end of the platform, rendering the same useless.

On the 19th of September we secured a temporary injunction, a copy of which is enclosed herewith, and the same was served upon the railroad company's agent at Anselm, I believe on September 21.

On that day we repaired the damage done to the platform and commenced to buy and load wheat as usual, and the following day the railway company tore up the side-track from the west switch to and past the platform, again rendering the same of no value.

On the return day of the enclosed order we received a telegram from the general solicitor of the railway company agreeing not to further molest the platform, and as nothing more could be gained by insisting upon making the order permanent, we agreed to stop proceedings.

Having a couple of men on our hands to whom we were obliged to furnish employment at this point, for the past few days they have vainly endeavored to get cars to load from the ground, but have been refused.

On September 15, I called on the general manager of the "Soo" line, Mr. F. D. Underwood, at Minneapolis, and endeavored to make amicable arrangements with him to handle grain at some of their stations, and was courteously but firmly assured by him that he would do everything in his power to shut us out.

He stated to me that his reasons for this, that private buyers were much more liable than the larger elevator companies to wrangle over prices regardless of the terminal market lists, thus demoralizing the markets, not only injuring every one engaged in the business, but creating a strife between competing railroad lines by drawing the wheat from stations to which it is properly tributary.

His reasoning is very logical, but if he can carry his plan into execution it must leave every wheat raiser along the line of his road at the mercy of one or two large corporations.

This is the history of the whole affair so far as this station of Anselm is concerned.

Now then, a condition of affairs almost similar exists at the crossing of the "Soo" line and the Fargo & Southwestern, about 4 miles west of Sheldon.

The "Soo" line crossed this line about September 1st, and put in a side-track within a few feet of the crossing, ostensibly for the purpose of giving farmers in that vicinity an opportunity to load and ship their grain from that point.

Being refused permission to buy and ship on the "Soo" side-track we proposed to the Northern Pacific agent here, that if his company would put in a siding on their line at the crossing we would put up a scales and loading platform, buy wheat and ship on their line.

They put in the side-track about September 10th, we put up our scales and platform and everything went well until October 3rd, when, without any complaints or any reasons assigned, both companies took up the frogs connecting their sidings with the main lines, leaving this point entirely without shipping facilities.

I enclose you sketches showing the situation at both points, and believe that I have furnished you herein all the information asked for by Mr. Rourke.

If anything further is required we will be only too glad to furnish it. A number of farmers in this vicinity are now circulating a petition asking for action to be taken by you regarding the side-tracks at the crossing.

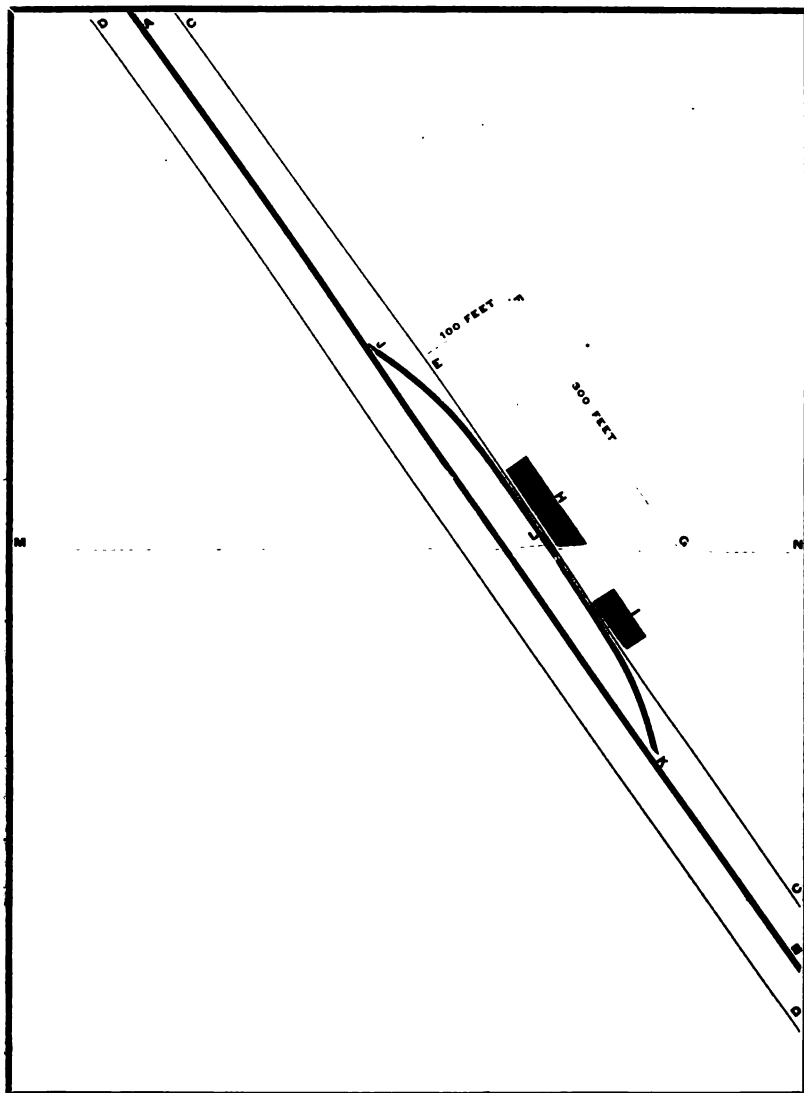
Whatever action you take looking toward the replacing of these side-tracks you may rest assured will be vigorously supported by us in everything we can do.

Trusting to hear from you at an early date, we are

Very truly yours,

ED. PIERCE,
For Southwestern Elevator Co.

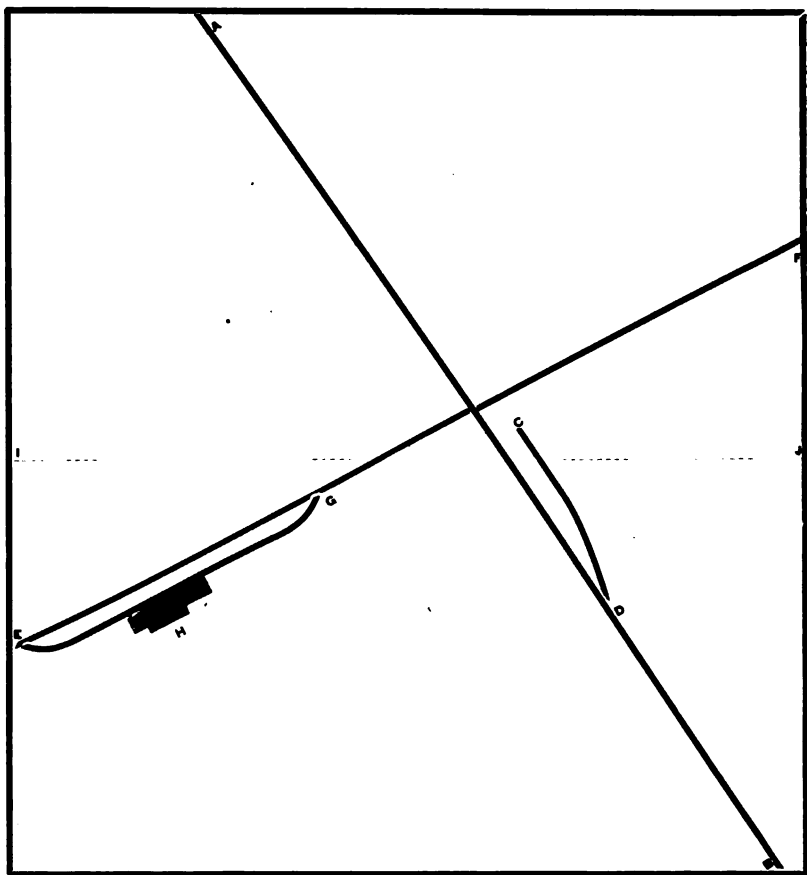
ANSELM.



- A B "Soo" Line Railroad main line.
 - C D Right-of-way 50 feet on each side of main line.
 - E F G Our ground.
 - H Our platform and scales. They have not been removed.
 - I Osborn & M. Elevator company, of Minneapolis, elevator.
 - J K Siding as originally built.
 - J L That part of siding torn up; the grade is still there.
 - M N Line between Sections 5 and 8, Township 136 North, Range 54 West.
- Each platform with scales cost about \$500.

FARGO & SOUTHWESTERN CROSSING.

Sheldon 4 Miles East. Buttzville 5 Miles West.



- A B "Soo" Line.
- C D "Soo" Line siding built, used about three weeks, and frog taken up.
- E F Fargo & Southwestern Railroad.
- G Siding built, used about two weeks, and frog taken up on October 3, 1891.
- H Scales and platform.
- I J Line between Sections 24 and 25, Township 134 North, Range 55 West.

State of North Dakota, by Commissioners of Railroads, vs. Brooks Bros., Grand Forks.

Brooks Bros. own and operate two elevators at Grand Forks within city limits. Have failed to take out license or to furnish bonds as a terminal elevator. Are buying daily and shipping as private elevators. They buy and ship for profit.

Witnesses—Geo. Richards, Wm. Budge, Grand Forks.

M. & N. Elevator company, foreign corporation, doing business at various points on line of Great Northern railway. At all points the law is violated. At Ojata, Grand Forks county, twelve miles west of Grand Forks.

Witnesses—Henry D. Flack, Mr. Morey, Ojata P. O.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, November 4, 1891.

Hon. C. A. M. Spencer, Attorney General, Bismarck, N. D.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads to ask you:

First. Is the complaint of the Southwestern Elevator company, a copy of which is herewith enclosed, a proper case for the Commissioners of Railroads of the State of North Dakota to hear and determine.

I also enclose copy of information filed in this office by Mr. Walsh, chairman of this Board, in regard to violations of law by elevator companies.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

STATE OF NORTH DAKOTA,
ATTORNEY GENERAL'S OFFICE,
BISMARCK, November 25, 1891.

To the Honorable Board of Railroad Commissioners:

GENTLEMEN: Through your secretary you desire my opinion relative to a controversy between the Southwestern Elevator company and the "Soo" and Fargo & Southwestern Railroad companies.

A copy of the complaint or statement of facts has been handed me, and the first question is, whether this is a case for the Railroad Commissioners to settle.

Taking the facts as shown by said statement, so far as any past acts or controversies between said parties on the redress are concerned, in my opinion your honorable body has nothing to do with it. It is a private matter between the elevator company and the railroad companies. The elevator company has acted independently so far of Railroad Commissioners, and has not brought itself within the law so that the Railroad Commissioners would be obliged to help it out as to past acts. As to the future, that depends on the course taken by the elevator company. If it brings itself within the requirements of the law, then the Railroad Commissioners would have to act as provided by law, but until that is done you have nothing to do with the matter. If the railroad companies have done any legal, or rather illegal, damage to the elevator company, it has its remedy against the companies by an action for damages.

Relative to the elevators at Grand Forks buying and shipping grain without giving bond, etc., if they do not store grain it is questionable whether an action would lie; but this question will be determined by our next session of Supreme Court, as there are two cases involving this question that will then come up. In the meantime we had better await this decision.

Yours truly,

C. A. M. SPENCER,
Attorney General.

In accordance with the opinion of the attorney general we have done nothing in this case.

WHEAT INSPECTION.

At a regular meeting of the Board of Commissioners of Railroads of this State, held at their office in the City of Bismarck, N. D., on the 3d day of July, 1891, the secretary was instructed to ask the Attorney General the following questions:

First. Can the Commissioners of Railroads enforce the provisions of Chapter 188, of the Session Laws of 1890?

Second. Is the appropriation of \$500, specified in Section 47, of said chapter, still available for the purpose for which it was originally appropriated?

Third. Is Section 2 of said Chapter 188, of the Session Laws of 1890, repealed by Chapter 126 of the Session Laws of 1891; or shall said Section 2 be construed as only applying to the warehouses specified in Section 1 of Chapter 188?

The following resolution was also adopted at the same meeting:

Resolved, That when this Board adjourns, it adjourns to meet at Grand Forks, N. D., at the courthouse, on the 14th day of July, 1891, at 4 o'clock p. m., and the secretary is hereby directed to notify E. D. C. Shortridge, president of the Farmers Alliance of the State of North Dakota, and Frank Irons, secretary of the Elevators Association at Minneapolis, Minn., that this Board will take into consideration the establishment of rules and regulations for the inspection, weighing and handling of grain for the year 1891, at said meeting.

In obedience to the instructions of the Board, the secretary addressed the following communication to the Hon. C. A. M. Spencer, Attorney General of North Dakota:

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N., D., July 3, 1891.

Hon. C. A. M. Spencer, Attorney General, State of North Dakota, Bismarck, N. D.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads of the State of North Dakota to send you the following questions propounded by the said Board, and to request that you reply at your earliest convenience:

First. Can the Commissioners of Railroads enforce the provisions of Chapter 188, of the Session Laws of 1890?

Second. Is the appropriation of \$500 specified in Section 47, of said Chapter 188, still available for the purpose for which it was originally appropriated?

Third. Is Section 2, of said Chapter 188, repealed by Chapter 126, of the Session Laws of 1891, or shall said Section 2 be construed as only applying to the warehouses specified in Section 1, of said Chapter 188? I remain,

Yours respectfully,

M. J. EDGERLEY,
Secretary.

To which communication the following reply was made:

LAW OFFICE OF SPENCER & RANSOM,
GRAFTON, N. D., July 11, 1891.

To the Honorable Board of Railroad Commissioners, Bismarck:

GENTLEMEN: I have the honor to submit the following opinion in response to a request from your secretary, of 3d inst.:

First. You ask whether the Railroad Commissioners can enforce the provisions of Chapter 188, Laws of 1890, relating to the duties of warehousemen, etc. The law is somewhat mixed, and I have spent considerable time trying to get at the true intent of the law, and have finally arrived at the conclusion that so much of said act as is not modified or repealed by Chapter 126, Laws of 1891, is still in force. The following sections of said Chapter 188 have been modified by the Laws of 1891—3, 6, 9, 13, 39 and 40. Sections 1, 2 and 4 have been repealed by implication.

Second. You ask whether the \$500, specified in Section 47, Chapter 188, is still available for the purpose for which it was originally appropriated. If my first conclusion is correct, it is, for this would necessarily follow.

Third. Your third query is answered in answer to your first question.

Yours truly,

C. A. M. SPENCER,
Attorney General.

The Board met at Grand Forks, N. D., on the 14th and 15th days of July, 1891. There were also present at those meetings of the Board, E. D. C. Shortridge, president of the Farmers Alliance of the State of North Dakota; Ira Lampham, state lecturer of the Farmers Alliance; J. W. McCullough, representative of the Farmers Alliance of Hamilton, Pembina county, N. D.; Mr. Miller, of Cavalier, N. D.; J. W. Frawley and Hon. Walter Muir, of Bachelor's Grove Farmers Alliance, and Frank Williams and Frank Irons, of the Elevators Association of Minneapolis, Minn., for the purpose of discussing the question of adopting rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota, and said matter was then and there discussed fully and freely.

At the regular meeting of the Board, held on the 1st day of August, 1891, at the office of the Board in the city of Bismarck, N. D., the following proceedings were had:

Moved by Commissioner Slotten that the Board take up for consideration the rules and regulations for the government of public warehouses of the State of North Dakota.

Seconded by Commissioner Harmon and carried.

Moved by Commissioner Slotten that the following rules and regulations for the government of public warehouses of the State of North Dakota, presented by Commissioner Walsh, be adopted.

Motion seconded by Commissioner Harmon and carried:

RULES AND REGULATIONS

ADOPTED BY THE COMMISSIONERS OF RAILROADS FOR THE GOVERNMENT OF PUBLIC WAREHOUSES OF THE STATE OF NORTH DAKOTA.

RULE I.

By an act of the Legislative Assembly of the State of North Dakota, approved March 7, 1891, it is made the duty of the "Rail-

road Commissioners of the State of North Dakota to supervise the handling, weighing and storage of grain and seeds; to establish all necessary rules and regulations for the weighing of grain, and for the management of the public warehouses of the State, as far as such rules and regulations may be necessary to enforce the provisions of that act, or any law in this State in regard to same; to investigate all complaints of fraud or oppression in the grain trade of this State and correct the same as far as it may be in their power."

RULE II.

All buildings, elevators, or warehouses in this State, erected or operated by any person or persons, association, co-partnership, corporation or trust, for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses.

RULE III.

Any person or persons, association, co-partnership, corporation or trust owning or operating any such building or buildings, elevator or elevators, warehouse or warehouses, as designated in Rule 2, which are now or may hereafter be located or doing business within this State, whether said owners or operators reside within the State or not, are public warehousemen.

RULE IV.

Public warehousemen shall not permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to parties offering such grain for sale, storage or handling at such public warehouse.

RULE V.

The proprietor, lessee or manager of any public warehouse or elevator doing business in this State shall file with the Commissioners of Railroads of the State a bond running to the State of North Dakota, with good and sufficient sureties, to be approved by said Commissioners of Railroads, in the penal sum of \$5,000 for one warehouse or elevator, and in the penal sum of \$15,000 where one party, firm or corporation own and operate more than one warehouse or elevator, and not to exceed ten such warehouses or elevators, and in the penal sum of \$25,000 where one party, firm or corporation own or operate more than ten such warehouses or elevators, said bond conditioned for the faithful performance of duty as public warehousemen, to protect holders of outstanding tickets, and a compliance with all the laws of the State in relation thereto—said bond also specifying the location of each elevator or warehouse operated by said individual, firm, corporation or trust.

RULE VI.

Warehousemen at each and every warehouse or elevator owned or operated by them within the State, shall duly inspect, grade and properly weigh all grain received by them, either for storage or by purchase, and shall at once notify the party offering the same for storage or sale the grade of the grain so offered; the gross weight, and the amount of dockage per bushel, if the grain is unclean, together with the market price of such grain for that day in Minneapolis or Duluth, Minn.

RULE VII.

After the inspection, should any party interested in said lot of grain feel himself aggrieved at such inspection, weight or dockage, he shall then and there object to the same to the warehouseman, stating his objections specifically, and if the disagreement cannot be amicably settled between the party aggrieved and the warehouseman, then and in that event the party aggrieved and warehouseman jointly shall thereupon sack and properly seal one-half bushel of such grain, inserting a slip in the top of the sack stating the points of disagreement, and the party aggrieved shall immediately forward the same, prepaid, to the nearest Commissioner of Railroads, who will, at his earliest convenience, render a decision and determine the grade of the grain in dispute; which decision shall be final and binding upon all parties.

In case such appeal is not taken before the grain in dispute shall have lost its identity, then the right of appeal shall be deemed waived and no longer exist.

The warehouseman has the option of refusing to receive grain should the party offering the same be not satisfied.

RULE VIII.

Warehouse receipts must be issued upon the application of the owner or consignor for all grain received into such warehouse, which receipt shall state the date grain is received, the quality and grade, the weight in gross and the dockage for dirt if uncleaned. Said receipt shall be consecutively numbered and no two receipts, bearing the same number and series, shall be issued the same year.

RULE IX.

Warehousemen shall issue storage receipts to each and every person storing grain with them, which receipt shall provide by express agreement that at the option of the original holder of such receipt the kind, quality and quantity of grain for which such receipt was issued shall be delivered back to him at the same place where it was received, upon the payment of a reasonable charge per bushel for receiving, handling, storing and insurance charges, such charges to be fixed by express terms in the storage receipt at the time of receiving the grain at the elevator or ware-

house, and at the time of issuing the receipt; *Provided*, That no charges shall be made for cleaning grain unless such grain shall be actually cleaned; *Provided, further*, That nothing in this rule shall be construed to mean the delivery of the identical grain specified in the receipt so presented; but an equal amount of the same grade, excepting in case of wheat placed in "special bin."

RULE X.

Upon return of any receipt, properly endorsed by the holder thereof, and the tender of all proper charges, the grain represented by said receipt is immediately deliverable in receptacle to be provided by the holder of the receipt and not subject to further charge for storage, and if delivery is not made in the order demanded, and as rapidly as due diligence, care and prudence will justify, the warehouseman shall be held to be in default; *Provided*, That storage charges shall not cease until cars are furnished by the holder of said receipt.

RULE XI.

Warehousemen are prohibited, under any circumstances, from mixing grain of different grades. Grain of the same grade shall be kept together and stored only with grain of a similar grade, nor shall the warehouseman attempt to deliver grain of one grade for that of another grade, or in any manner whatever tamper with grain in his possession.

RULE XII.

Upon request of any owner of grain the warehouseman may place any grain of same grade belonging to said owner in special bin, apart from grain of other owners; *Provided*, The owner of such grain has sufficient grain to properly fill such bin or bins; and, *Provided*, That there are vacant bins in warehouse when wheat is offered. The warehouse receipt issued in such case shall state on its face "special bin," and state the number of said bin.

RULE XIII.

The Commissioners of Railroads of this State, or any person designated by them, have the right to enter any public warehouse in this State, to inspect its books, scales, grain and the method of doing business, and to compel said warehouse to have every facilities for the proper transaction of their business under the law.

RULE XIV.

Whenever any grain shall be delivered to any person, association, firm, corporation or trust, doing a grain, warehouse or grain elevator business in this State, and the receipts issued therefor, providing for the delivery of a like amount and grade to the holder thereof in return, such delivery shall be a bailment, and not a sale of the grain so delivered; and in no case shall the grain

so stored be liable to seizure upon process of any court in action against such bailee, except action by owners of such warehouse receipts to enforce the terms of the same, but such grain shall at any and all times, in the event of the failure or insolvency of such bailee, be first applied exclusively to the redemption of outstanding warehouse receipts for grain so stored with such bailee. And in such event grain on hand in any particular elevator or warehouse shall first be applied to the redemption and satisfaction of receipts issued from such warehouse.

RULE XV.

The several warehouses and elevators doing business in this State as public warehouses are permitted to make the following charges, and no more, viz.:

For receiving, elevating, insuring, delivering and twenty days' storage, two cents per bushel.

Storage after the first twenty days, one-half cent for each fifteen days or fraction thereof; and shall not exceed five cents for six months.

The grain stored shall be insured at the expense of the warehouseman, for the benefit of the owner.

For buying, receiving, elevating, insuring, shipping, inspection in North Dakota, transfer charges, commissions and all other legitimate charges, not to exceed four cents per bushel and fractions, as per Rule 18.

Any farmer selling his storage tickets to elevator company within twenty days after their date, shall pay no storage.

RULE XVI.

Every warehouseman doing business as a public warehouseman, shall cause to be kept in each and every warehouse or elevator under his charge, a blank book, properly ruled, which shall be designated "Wheat Register," in which shall be entered in ink:

First. Date of receipt of any grain.

Second. From whom such grain is received.

Third. The grade.

Fourth. The gross weight.

Fifth. The weight of dockage for dirt.

Sixth. The net weight of grain when docked.

Seventh. The price paid per bushel.

Eighth. A column for remarks; "stored" if stored; "purchased" if purchased; "appealed" if appealed from decision of warehouseman, or any other remarks that may be pertinent to the subject.

RULE XVII.

The warehouseman of each warehouse or elevator shall, at the close of each business day, make out a detailed report (upon blanks furnished by the Commissioners of Railroads), showing

the gross number of bushels of grain of the several grades received during the day, the number of bushels of dockage on same, the price paid per bushel on same, and if any cars have been shipped out, the number and initial of each car, the number of bushels in each car and the grade of grain therein; to whom and to what point consigned; which report shall be certified to as being correct, and duly signed by the warehouseman, and forwarded by mail to the Commissioner of Railroads within the grain district, as provided in Rule 19.

RULE XVIII.

Each elevator company operating in this State shall furnish to the Commissioners of Railroads a daily report of the prices to be paid each day at every elevator operated by them, which price shall be based upon the Minneapolis price at which the wheat purchased can be sold and delivered of the day before, deducting freight from the station to Minneapolis, and not to exceed four (4) cents (and fractions) per bushel for all costs for handling the same.

Notice to agent of changes of price shall be posted in a conspicuous place in each elevator.

RULE XIX.

For the better accommodation of the public during the fall months of the year when the bulk of the grain of the State is being moved, the Board deem it for the best interest of the State that there should be one of their number stationed at such convenient point as will be most accessible to the greatest number, and to that end, one of said Commissioners will be located at Grand Forks, one at Wahpeton, one at Fargo, and the secretary of the board will remain at Bismarck, where monthly meetings will be held on the first Tuesday in each month. Reports as provided for in Rule 17 and appeals provided in Rule 7, or any other matter for immediate action by the Board at all points on G. N. R. R., from Grand Forks west to Ft. Buford, points on the G. N. R. R., in Traill county, and all points north of the G. N. R. R., running west, as well as upon the N. P. R. R., from Grand Forks to Pembina, shall be forwarded to the Commissioner at Grand Forks; all points in Cass, except points on main line of N. P. R. R., Barnes, Steele, Richland, Sargent and Ransom counties to the Commissioner at Wahpeton; all points in Griggs, Stutsman, Foster, Eddy, Wells and Benson to Minnewaukan, LaMoure, Dickey, Kidder, Burleigh, and all counties west of Fargo on main line of N. P. R. R., to the Commissioner at Fargo.

RULE XX.

In determining the grade of grain offered for sale or storage at the several warehouses or elevators in this State, warehousemen shall be governed by the following North Dakota grades:

No. 1 Hard Spring Wheat must be sound, bright and well cleaned, and must be composed mostly of Hard Scotch or Saskatchewan Fife wheat, and weigh not less than fifty-eight pounds to the measured bushel.

No. 1 Northern Spring Wheat must be sound and well cleaned, and must be composed of the hard and soft varieties of spring wheat; not less than fifty per cent. of the hard varieties of spring wheat, and in weight not less than fifty-seven pounds to the measured bushel.

No. 2 Northern Spring Wheat must be sound, reasonably clean and of good milling quality; to weigh not less than fifty-six pounds to the measured bushel, and to include all wheat not suitable for the higher grades.

No. 3 Spring Wheat shall comprise all inferior, shrunken or dirty spring wheat, weighing not less than fifty-four pounds to the measured bushel.

Rejected Spring Wheat shall include all spring wheat that is grown badly bleached, or for any cause unfit for No. 3 wheat.

RULE XXI.

The foregoing rules shall be kept posted in a conspicuous place in all the warehouses or elevators in this State, doing business as public warehouses.

RULE XXII.

Any person, association, firm, trust, or corporation, or any representative thereof, who shall knowingly cheat, or falsely weigh any wheat or other agricultural products, or who shall violate any of the foregoing rules, or shall do or perform any act or thing therein forbidden, or who shall fail to do and keep the requirements as herein provided, shall be deemed guilty of a misdemeanor (according to an act of the Legislature, approved March 7th, 1891), and shall on conviction thereof be subject to a fine not less than \$200, nor more than \$1,000, and be liable in addition thereto to imprisonment for not more than one year in the State penitentiary, at the discretion of the court.

Adopted and approved August 1, 1891.

GEO. H. WALSH,
Chairman.

GEO. W. HARMON,
ANDREW SLOTTEN,
Commissioners.

Attest:

M. J. EDGERLEY,
Secretary.

Moved by Commissioner Harmon that the rules and regulations for the administration of the departments of grain inspection

and warehouse regulation, in the State of North Dakota, and to be in force from and after the 15th day of August, 1891, as herein printed, be adopted.

Seconded by Commissioner Slotten, and carried.

RULES AND REGULATIONS

PRESCRIBED BY THE COMMISSIONERS OF RAILROADS OF THE STATE OF NORTH DAKOTA, FOR THE ADMINISTRATION OF THE DEPARTMENTS OF GRAIN INSPECTION AND WAREHOUSE REGISTRATION, IN THE STATE OF NORTH DAKOTA, AND TO BE IN FORCE FROM AND AFTER THE 15TH DAY OF AUGUST, 1891.

RULE I.

The Commissioners of Railroads of the State of North Dakota shall, at their regular monthly meeting in the month of August of every odd numbered year, or as soon thereafter as may be practicable, appoint a suitable person as Chief Inspector of Grain in the State of North Dakota, who shall hold his office for the term of two years, unless sooner removed by said Commissioners of Railroads, who shall, before entering upon the duties of his office, take an oath of office as in the case of other State officers, and he shall execute a bond to the State of North Dakota in the penal sum of \$10,000, with good and sufficient sureties, to be approved by the Commissioners of Railroads, conditioned that he will faithfully and impartially discharge the duties of the office of Chief Inspector according to law and the rules and regulations of said Commissioners of Railroads, and that he will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid.

RULE II.

Said Chief Inspector shall appoint, subject to the approval of the Commissioners of Railroads, such number of deputy inspectors as may be required, one of which deputies, in each of the cities of Grand Forks, Fargo, Wahpeton and Fairmount, shall be denominated and styled chief deputy.

RULE III.

Such deputy inspectors shall take a like oath of office to that required from the Chief Inspector, and shall give a bond to the State of North Dakota in the penal sum of \$5,000, with good and sufficient sureties as may be approved by the Commissioners of Railroads, and conditioned in like manner as the Commissioners of Railroads require from the Chief Inspector.

RULE IV.

The bonds given by the Chief Inspector and the deputy inspectors shall be filed in the office of the Secretary of State for

the State of North Dakota, and suit may be brought upon said bond or bonds in any court having a jurisdiction thereof, for the use of the person or persons so injured.

RULE V.

The Chief Inspector shall have power to remove any of the deputy inspectors at pleasure, and said deputy inspectors shall act under the immediate control and supervision of said Chief Inspector.

RULE VI.

The Chief Inspector of grain, and all deputy inspectors, shall be governed in their respective duties by such rules and regulations as may be provided by the Commissioners of Railroads, and the said Commissioners shall have power to fix the rates of charges for inspection of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will, in the judgment of said Commissioners, produce sufficient revenue to meet the necessary expenses of the inspection service, and no more. Said Commissioners of Railroads shall fix the amount of compensation to be paid to the Chief Inspector and deputy inspectors, and prescribe the time and manner of payment thereof; which compensation shall be paid out of the grain inspection fund hereinafter created, on the order of the Commissioners of Railroads.

RULE VII.

No Chief Inspector or deputy inspector of grain shall, during his term of service, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain, nor shall he be in the employment of any person or corporation interested in the handling, storing, shipping, purchasing or selling of grain.

RULE VIII.

Upon complaint in writing of any person to the Commissioners of Railroads, supported by reasonable and satisfactory proof, that the Chief Inspector or any of his deputies have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be, by said Commissioners of Railroads, immediately removed from office.

RULE IX.

Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or any improper performance of any duty, as such inspector of grain, or any person who shall improperly influence

any inspector of grain, in the performance of his duty as such inspector, is by the provisions of Section 31, Chapter 188, Laws of 1890, deemed guilty of a misdemeanor.

(The attention of all employes of the inspection and registration departments is particularly called to Sections 29, 30 and 31 of Chapter 188, Session Laws of 1890.)

RULE X.

The charge for the inspection and weighing of grain shall be and constitute a lien on grain so inspected, and whenever such grain is in transit the said charges shall be treated as advance charges, to be paid by the common carrier in whose possession the same is at the time of inspection.

RULE XI.

All moneys collected by State grain inspectors and other officers, as herein provided for, shall be by them paid into the State treasury each and every week.

RULE XII.

The office of Chief Inspector of Grain shall be kept open for business from 8 a. m. until 6 p. m. from the 15th day of April to the 15th day of November, and from 9 a. m. to 5 p. m. during the remainder of the year.

RULE XIII.

The Chief Inspector shall keep a set of books, in which shall be entered an accurate account of all the grain inspected, the amount of inspection fees chargeable thereon, by whom payable, and the amount collected; which books shall be open at all times to the inspection of the Commissioners of Railroads, or either of them.

RULE XIV.

In case of emergencies the Chief Inspector of Grain shall have power to employ, temporarily in accordance with law, such additional help as the exigencies of the service may require, certifying that such additional help was necessary, and reporting the same at once to the Commissioners of Railroads; and it shall be the duty of said Chief Inspector, when in his judgment the interest of the service demands immediate action, to remove from duty any of the employes in his department, for any gross violation of duty, and report the same at once to the Commissioners of Railroads, together with the facts in the case, upon which such action shall have been taken.

RULE XV.

The said Chief Inspector shall, previous to the 10th day of each month, transmit to the office of the Commissioness of Railroads a statement showing the expenses of the department for the

previous month, the statement to be accompanied by the bills of the said expenses and pay rolls, giving the names and duties of all employes of the department, including those employed in the office of the Registrar, and the amount due to each, said bills and pay rolls being certified as correct by said Chief Inspector.

RULE XVI.

Upon the approval of said bills and pay rolls, by the Board of Commissioners of Railroads, the said Board shall order warrants drawn upon the Treasurer of the State of North Dakota, for the amounts due to the said Chief Inspector, his deputies and employes, and the employes of the Registrar, and the bills for necessary supplies for said officers. Said warrants to be signed by the chairman of the Board of Commissioners of Railroads, and countersigned by the secretary, who shall affix the seal of the Board of Commissioners of Railroads to the same, and the said secretary shall keep a stub of said warrants, which stub shall show the amount, the date of issue, the number and the service rendered or goods furnished.

RULE XVII.

The Chief Inspector is hereby authorized and directed to collect such charges for inspection and weighing of grain as may be established from time to time by the Commissioners of Railroads, and all moneys that may become due on account of the inspection and pay the same into the State Treasury to the credit of the Commissioners of Railroads, to be drawn on their warrant for the payment of salaries and other expenses of the department, upon pay rolls and bills approved by the Board of Commissioners of Railroads, as prescribed for in Rule 16.

RULE XVIII.

The word "new" shall be inserted in each certificate of inspection of a newly harvested crop, as follows, to-wit: Wheat until the 15th day of September.

This change shall be construed as establishing a "new" grade for the time specified, to conform in every particular to the existing grades of grain excepting as to the distinction of "new" and "old."

RULE XIX.

The said Chief Inspector is hereby authorized to collect, until further notice, on all grain inspected under his direction, as follows, to-wit:

For inspection on arrival for each carload, fifty (50) cents.

These charges are by law constituted a lien upon such grain inspected, and shall be treated as "advance charges," to be paid by the common carrier in whose possession the same is at the time of inspection.

RULE XX.

The said Chief Inspector shall deliver to his successor in office all money, books, papers and other property remaining in his hands, or subject to his control, at the expiration of his term of office, or upon his removal from, or discontinuance in office as such Chief Inspector, or turn the same over to the Commissioners of Railroads, at any time when demanded by the Board of said Commission.

RULE XXI.

The offices of chief deputy inspectors shall be kept open for business from 8 a. m. until 6 p. m. from April 15th until November 15th, and from 9 a. m. until 5 p. m. during the remainder of the year. Said chief deputy inspectors shall keep a set of books in which shall be kept an accurate account of all grain inspected, showing the grade and condition of each variety, the amount of inspection fees chargeable thereon and by whom payable, and the amount collected, which books shall be open to the Commissioners of Railroads, and shall make a daily report of all transactions occurring in his office of chief deputy inspector to the Chief Inspector.

RULE XXII.

Each chief deputy inspector shall have power to recommend to the Chief Inspector such suitable persons for assistant inspectors as he may require for the proper transaction of the business of the department at his post or station, and each chief deputy inspector shall have a general supervision over all assistant inspectors and employes of the department at his post or station, and shall enforce all laws, rules and regulations pertaining thereto, and shall report promptly to the Chief Inspector if, in his opinion, the services of any employe can be dispensed with. Said chief deputy shall, in case of emergency, by and with the consent of the Chief Inspector, have power to employ temporarily such additional help as the emergency of the case may demand. Said chief deputy shall, when in his judgment the interests of the service demand immediate action, have power to relieve from duty any employe in the department at his post or station, for any gross violation of duty, and report, at once, the same to the Chief Inspector, with such facts in the case as may be at his command, upon which such action was taken.

RULE XXIII.

The chief deputy inspector shall, upon the request of the shipper or receiver, issue a certificate for any one car of grain inspected, stating therein the names of the assistant inspector and a true copy of the inspection copied from his record of such inspection. If request is for grain delivered from an elevator, he shall state in the certificate the entire lot of all grades of that

kind of grain delivered to cars or other vehicles, as the case may be. No alterations or erasures will be allowed upon such certificate. Certificates shall be signed by the chief deputy issuing them, and in the name of the chief, per chief deputy.

RULE XXIV.

If any railroad company, warehouseman, shipper, or any other proper person shall desire the service of any employe of the grain inspection department, for the purpose of inspecting grain or doing other work in the line of his duty as such employe, upon Sunday or any legal holiday, or at night, said party or parties shall apply to the chief deputy inspector of grain for the service of such employe, and said chief deputy inspector shall, if in his opinion such necessity exists for the service being rendered upon such Sunday or legal holiday, require such employe to perform such service; *Provided*, That no employe shall be required to do any service in his line of duty upon Sunday, if he has conscientious scruples against Sunday labor.

RULE XXV.

Each assistant inspector will be required to take an oath of office, and give a bond in the penal sum of \$1,000, subject to the approval of the Commissioners of Railroads, for the faithful and impartial discharge of his duties. Chief deputy and assistant inspectors are hereby required to give thirty days notice in writing to the Chief Inspector before resigning or leaving the service.

RULE XXVI.

Deputy and assistant inspectors and helpers shall be at their posts ready for business, at the railroad tracks or at the elevators to which they are assigned, from 7 a. m. until 6 p. m. of each day from March 15th until November 15th, and from 8 a. m. until 5 p. m. during the remainder of the year, unless otherwise ordered by the Chief Inspector. Where receipts are large and the interests of the service require an earlier inspection all deputy and assistant inspectors and helpers assigned to duty on the tracks, will begin work at as early an hour as practicable. Inspectors stationed at elevators shall, when necessary to complete the shipment upon which they are engaged, remain on duty as late in the evening as they can see to inspect safely.

RULE XXVII.

Deputy and assistant inspectors must make their reason for grading grain fully known by notations on their books.

Each deputy or assistant inspector is required, in case of doubt, to ascertain the weight per measured bushel of each lot of wheat inspected by him, and note the same in his book. The weight alone shall not determine the grade.

No deputy or assistant inspector shall in any case make the grade of any lot of grain above that of the poorest quality found in that lot, where it bears evidence of having been "plugged" or "doctored" for the purpose of deception.

RULE XXVIII.

Inspectors will carefully note the condition of the cars containing grain which they inspect, by notations in their book, and report to their chief deputy or the Chief Inspector, any leakage in cars, broken seals, open doors and filthy condition of the cars, if it exists; which report must be carefully recorded and preserved for future reference. Track inspectors and helpers shall see that all doors to cars standing upon track are closed after inspection and properly sealed.

RULE XXIX.

Each inspector must be particular that all inspection tickets placed by him upon cars on his track are plainly written. No alteration or erasure must occur upon tickets. In case of an error he shall make out a new ticket, carefully destroying the old one. This ticket must contain: First, date of inspection; second, number and initial letters of the car; third, the grade of grain in that car; fourth, the amount of shrinkage per bushel, if uncleaned; fifth, the test weight of the measured bushel of grain; sixth, the name of the inspector. Each inspector must personally fill out and sign each ticket.

RULE XXX.

Inspectors stationed at elevators shall see that the car or other vehicle into which they inspect grain is made clean and in a proper condition to receive the same, paying particular attention to cars which have been used for transporting coal oil, stock, etc., and on no account suffer grain to go into such a car or vehicle if there is danger of its becoming damaged by reason thereof. Warehousemen will be required to exercise similar precaution against loading grain into cars or other vehicles not in proper condition.

RULE XXXI.

Each inspector shall report in writing to the chief deputy or Chief Inspector all attempts to defraud the system of grain inspection as established by the Commissioners of Railroads. He shall also report in writing to the chief deputy or Chief Inspector all attempts when warehousemen deliver or attempt to deliver any grain of a lower grade than that called for by the warehouse receipt. He shall also report all attempts of receivers or shippers of grain to instruct or otherwise influence the action or opinion of himself or any other inspector; and the chief deputy inspector shall report all such cases to the Chief Inspector. Private in-

spectors and others not upon the force will not be allowed in the car during the inspection.

RULE XXXII.

Each inspector in charge of a track or warehouse inspection station must sign his name to each daily return of inspection, and to each stub and duplicate on each page of his shipping book and at the end of his daily report.

RULE XXXIII.

Each inspector shall have his books of inspection correctly written up, in such manner and at such times as the Chief Inspector may direct, avoiding all alterations, erasures and abbreviations as much as possible, due regard being had for correctness and legibility, leaving nothing to be guessed at.

RULE XXXIV.

In case any owner, consignee, shipper or warehouseman shall be aggrieved by the decision of any inspector on any lot of grain, and shall desire a re-inspection of the same, he shall immediately give notice in writing to the Chief Inspector or chief deputy in charge of the district where the grain was originally inspected, of his desire for a re-inspection, accompanied with the sum of one (1) dollar, if upon a carload, and if upon a boatload the sum of two (2) dollars, which sum shall be returned to the party desiring the inspection should the grade of the original inspection not be confirmed; said Chief Inspector or chief deputy inspector shall, as soon as practicable, either in person, or through his first assistant, cause a new inspection of the grain in question, and shall cause the re-inspection of such grain to be carefully made, taking into consideration the quality, condition and weight, and carefully noting the same in a book to be kept for that purpose; and the grade determined upon by the said Chief Inspector, chief deputy or his first assistant, shall be considered as the proper grade of such grain.

RULE XXXV.

After such re-inspection, should any party interested in said lot of grain feel himself aggrieved and desire to appeal from the same, he shall then make such appeal in the book of appeals, and deposit with the chief deputy the sum of five (5) dollars if upon a carload, and ten (10) dollars if upon a boatload, which sum shall be returned to him if his appeal be sustained, and said chief deputy shall immediately transmit notice of the same, together with all the facts and a fair sample of the grain in dispute, and all evidence in the case in his possession to the Chief Inspector, who shall thereupon immediately transmit the same and the sample of grain so sent, together with all facts so submitted, to the Commissioners of Railroads, who will, at their earliest convenience,

render their decision and determine the grade of the grain in dispute; which decision shall be final and binding upon all parties.

In case such appeal is not taken before the grain in dispute shall have lost its identity, then the right of appeal shall be deemed waived and no longer exist.

RULE XXXVI.

It shall be the duty of inspectors at terminal points, to apply to the conductor, agent or other person in charge of cars loaded with grain, to open said cars for the purpose of inspection, and in case of the neglect or refusal of the said conductor, agent or other person, to open said cars, the said inspector shall have power, and it shall be his duty to break the seal of said cars and inspect the grain therein contained.

RULE XXXVII.

Conductors in charge of trains loaded or partly loaded with grain, at terminal points, upon application being made to them by inspectors, shall stop their trains sufficient time and give the inspector ample facilities to inspect the grain on board his train, and for that purpose the said conductors or other persons in charge of said train, shall cause the doors of the cars in said train to be opened. And if the said conductor or other person in charge of said train neglect or refuse to open the said car doors, as hereinbefore provided, the said inspector shall have authority to open the same whether sealed or not, and it shall be the duty of the said inspector to open the said car doors and inspect the grain therein contained.

RULE XXXVIII.

The use of malt, vinous or spirituous liquors by the employees of the inspection and registration departments during business hours is forbidden, and the penalty for intoxication shall be discharge from the service.

RULE XXXIX.

Duties of Warehouse Registrar, with Rules of Registration—It shall be the duty of the Warehouse Registrar to keep a registration book for each public elevator, in which shall be entered a correct description of each warehouse receipt that may be registered. The Warehouse Registrar shall appoint an assistant registrar for each of the towns of Grand Forks, Fargo, Wahpeton and Fairmount, who shall transact the business of the office at such town and make to him, under his direction, a detailed report of such business, and the Commissioners of Railroads shall fix the salaries of such assistant registrars.

RULE XL.

All original receipts intended for registration shall be presented upon the day of issue, if possible, and all original receipts

issued to any person or firm upon any one day shall be presented for registration at the same time.

RULE XLI.

Any person applying for the registration of a split or consolidated receipt shall present all parts of such split or consolidation at one and the same time.

RULE XLII.

The warehouseman of every public warehouse located at Grand Forks, Fargo, Wahpeton and Fairmount shall, on or before Tuesday morning of each week, cause to be made out and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement, made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the bookkeeper thereof having personal knowledge of the facts, to the Warehouse Registrar. They shall also be required to furnish daily to the said Registrar a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day, also the amount of each kind and grade of grain delivered or supplied by such warehouseman during the previous day, and what warehouse receipts have been cancelled, upon which the grain has been delivered on such day, giving the number of each receipt and amount, kind and grade of grain received and shipped upon each, also how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them; the aggregate of such reported cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered or shipped. They shall also at the same time report what receipts, if any, have been cancelled and new ones issued in their stead as herein provided for, and the warehouseman making such statements shall in addition furnish the said Registrar any further information regarding receipts issued or cancelled that may be necessary to enable him to keep a full and correct record of all receipts issued and cancelled, and of grain received and delivered.

RULE XLIII.

When receipts are presented for registration the said Registrar or his assistant shall carefully compare the same with the returns that shall have been made to him, and if he shall be satisfied of the correctness of the same he shall stamp them with a proper stamp for that purpose, containing in legible letters the date of

such presentation and the name of the Registrar with the title of his office, "Warehouse Registrar," and the name of the town at which it was registered; but if he shall find that any differences exist he shall institute a thorough examination into the reasons therefor and shall have such error corrected before affixing the stamp; and if it shall appear that any fraud in the issuance of such receipt shall have been attempted by the warehouseman the said Registrar or his assistant shall at once report the same to the Commissioners of Railroads.

RULE XLIV.

The said Registrar or his assistants shall carefully preserve all reports of receipts and shipments made to his office by the public elevators in pursuance of law, or under such regulations as may be established, and shall keep an accurate account of the grain so reported in proper books, with such warehouse firm and when such reported shipment shall agree with receipts cancelled for each shipment, he shall mark "Cancelled," with the date thereof on his registration book, opposite the recorded description of each receipt.

RULE XLV.

The said Registrar shall have general supervision over his assistants and shall direct all such employes in the discharge of their duties. In cases of emergency he shall have power to employ temporarily, such additional assistants as the exigencies of the service may demand, reporting the same promptly to the Commissioners of Railroads, and certifying that such additional assistance was necessary. He shall also report to the Commissioners, promptly if, in his opinion, the services of the persons so employed can be dispensed with.

RULE XLVI.

The said Registrar shall keep in his office a complete list of all warehouse licenses granted.

Moved by Commissioner Slotten, that the secretary be directed to communicate with the different railroad companies operating their lines in this State, and request them to put in track scales at Grand Forks, Fargo, Wahpeton and Fairmount.

Seconded by Commissioner Harmon and carried.

Moved by Commissioner Harmon, that the salaries of the officers and employes of the Department of Grain Inspection be fixed and established as follows:

Chief Inspector of Grain, \$1,500.00 per annum.

Chief deputy inspector of grain, \$1,200.00 per annum.

Assistant inspectors of grain, \$1,000.00 per annum.

Helpers, \$2.00 per day for each day actually employed.

On motion the secretary was directed to request the Attorney General to draw up forms of bonds for elevators and grain warehouses, also for Chief Inspector of Grain and chief deputy inspectors and assistant inspectors of grain, and when said forms were ready to have the same printed, and to enquire if sureties on bonds must not be residents of the State.

And also to enquire what authority or power the Commissioners of Railroads have to enforce the provisions of Chapter 123 of the Session Laws of 1890.

Moved by Commissioner Harmon, that Jacob B. Wineman of Grand Forks, N. D., be, and that he is hereby appointed Chief Inspector of Grain for the State of North Dakota.

Motion seconded by Commissioner Slotten and carried.

Moved by Commissioner Slotten, that the office and headquarters of the Chief Inspector of Grain be at the City of Fargo, N. D.

Seconded by Commissioner Harmon and carried.

Moved by Commissioner Walsh, that Commissioner Harmon be authorized to purchase for the use of the Department of Grain Inspection the following implements:

Twelve Chicago grain samplers.

Twelve wheat sieves.

Twelve scales.

Twelve grain testers.

Seconded by Commissioner Slotten and carried.

The following correspondence by wire was had between Commissioner Walsh and Frank H. Irons, secretary of the Elevators Association of Minneapolis, Minn:

MINNEAPOLIS, Aug. 1, 1891.

To G. H. Walsh:

As personal favor to me please wire answer to my letter of yesterday. I want to go away tonight to G. A. R. encampment at Detroit, but will be kept here unless I get your telegram.

FRANK H. IRONS.

GRAND FORKS, Aug. 3, 1891.

To Frank H. Irons, Corn Exchange:

Just arrived. Board will not agree to change rules as to reports,

G. H. W.

MINNEAPOLIS, MINN., Aug. 3, 1891.

To George H. Walsh:

It is impossible and impracticable to send reports without submitting ourselves to great expense in hiring extra men. If this is insisted upon it will prevent our running our elevator public. Have we your final decision? Answer quick.

FRANK H. IRONS.

GRAND FORKS, Aug. 3, 1891.

Frank H. Irons, Corn Exchange, Minneapolis:

Give the rules a fair trial, and if found impracticable, they can be modified. Cannot make any change at present. Wrote you to-day.

GEORGE H. WALSH.

MINNEAPOLIS, Minn., Aug. 4, 1891.

To G. H. Walsh:

Message received. Elevator companies see no reason to start a thing that they know will not work, and consequently have determined not to run public warehouses.

FRANK H. IBONS.

GRAND FORKS, Aug. 5, 1891.

To Frank H. Irons:

If the elevator companies desire to take the chances, the Board will endeavor to carry out the laws, in letter as well as the spirit, and let the responsibility rest where it belongs.

G. H. WALSH, Commissioner.

In obedience to the direction of the board the following correspondence was had:

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS.
BISMARCK, Aug. 3, 1891.

W. S. Mellen, General Manager N. P. R. R. Co., St. Paul, Minn.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads of this State to request of you that you cause to be put in track scales at the terminal points on your line of road leading out of the State, to-wit: Grand Forks, Fargo and Wahpeton, for the purpose of weighing grain by the carload. Provided that you have no track scales put in at those points already.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS.
BISMARCK, August 3, 1891.

A. L. Mohler, General Manager Great Northern Railway Line, St. Paul, Minn.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads of this State to request of you that you cause to be put in track scales at the terminal points on your line of road leading out of the State, to-wit: Grand Forks, Fargo, Wahpeton and De Villo, for the purpose of weighing grain by the carload. Provided that you have no track scales put in at those points already.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

OFFICE OF THE GENERAL MANAGER.
GREAT NORTHERN RAILWAY LINE.
ST. PAUL, MINN., Aug. 24, 1891.

Mr. M. J. Edgerley, Secretary Railroad Commission, Bismarck, N. D.:

DEAR SIR: In receipt of yours of the 3d inst., in which you say you have been directed by the Railroad Commission to request this company to put in track scales at Grand Forks, Fargo, Wahpeton and De Villo, for the purpose of weighing grain in carloads.

I do not understand that the Commission claim to have any authority to require this to be done. Regarding the notice received from you in the light of a request, I do not think the company ought to comply with it, as it seems to me unreasonable.

The weighing of grain at the points named would result in a detention of our cars at times when there will be a great demand for them. Weighing at these points is impracticable, and will serve no useful purpose, because the bulk of grain will be waybilled to terminal points in other states where there

are track and elevator scales on which the grain must be weighed under the direction of state weighmasters, and which weight only will govern as between buyer and seller.

Track scales exposed to the weather cannot be relied upon for correct weight. All empty cars used in the transportation of grain from the State cannot be weighed at those points. If weighed, no benefit would result to shippers or purchasers of grain.

After empty cars are weighed they must be taken to different points for loading and must be exposed to rain, snow and ice, and the weight of such cars is thereby liable to be increased to an indefinite amount, varying from fifty to 500 pounds per car.

If the construction of scales and the weighing of cars at those points must be enforced, no good will result to shippers. It would occasion great delay in the handling of cars and loss to the company, and the effect would be to compel it to use its equipment at places where they can be used without embarrassment or unnecessary delay.

Yours truly,

A. L. MOHLER.

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, Aug. 3, 1891.

F. D. Underwood, General Manager M., St. P. & S. Ste. M. Ry. Co., Minneapolis, Minn:

DEAR SIR: I have been directed by the Board of Railroad Commissioners of this State to request of you that you cause to be put in track scales at the terminal points on your line of road leading out of the State, to-wit: Fairmount, for the purpose of weighing grain by the carload. Provided that you have no track scales put in at that point already.

Yours respectfully,

M. J. EDGERLEY, Secretary.

THE MINNEAPOLIS, ST. PAUL AND S. STE. MARIE R'Y COMPANY.
OFFICE OF THE GENERAL MANAGER,
MINNEAPOLIS, Aug. 5, 1891.

Hon. M. J. Edgerley, Secretary Railroad Commission of North Dakota, Bismarck, North Dakota:

DEAR SIR: Replying to your valued favor of Aug. 3, wherein you express a desire that track scales be erected at Fairmount, I have first to say that it is the policy of our company to place track scales at every point on our line where they are necessary. We consider them a great source of revenue to us, and have demonstrated to our satisfaction that a track scale will pay for itself in thirty days.

On the other hand, and for your information, I beg to state that we have track scales at Glenwood, seventy-one miles east of Fairmount, and shall be glad to weigh there, under the supervision of the Western Weighing Association, or any disinterested person, cars of grain.

In this connection I would say that weighing of cars of grain, except there be facilities for weighing empty cars on the same scales, is a comparatively useless proceeding. The tare weight expressed on cars is subject to so great variation, through thermal changes, repairs to cars, substitution of lighter or heavier wheels, that it has long ceased to have any value except where the coarser commodities are concerned, and then with only an approximate result.

Each car belonging to our company has in its interior a line called a load line for the several kinds of grain offered. It is not a difficult matter for shippers to discover just what quantity of wheat will fill the car to either of these lines, and, in my estimation, that is a far better method of procedure than

weighing, which gives, in my opinion, results entirely disproportionate to the outlay required.

I have pleasure in subjoining a list of our elevators in North Dakota.

Yours respectfully,

F. D. UNDERWOOD, General Manager.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Aug. 1, 1891.

Hon. C. A. M. Spencer, Attorney General:

DEAR SIR: The Board of Commissioners of Railroads and Warehouses desire an opinion from your office upon the following points:

First. Are the rules governing public elevators (a printed copy herewith submitted) in compliance with the law of the State, Chapter 126, Session Laws of 1891?

Second. Under what law can the line elevator companies do business as private elevators and thus escape the provisions of the law?

Third. Shall the elevators refuse to comply with the rules as adopted by this Board, or any of them, what is the remedy?

Fourth. Under Chapter 188, Laws of 1890, can the Board, through their grain inspectors at Grand Forks, Fargo, Wahpeton and Fairmount, without any unreasonable delay to the trains in transit, stop cars loaded with grain, opening the doors thereof when sealed, and enter such cars for inspection, the inspectors closing and properly sealing the doors of such cars after such inspection.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

STATE OF NORTH DAKOTA,
ATTORNEY GENERAL'S OFFICE,
BISMARCK, Aug. 1, 1891.

To the Honorable Board of Railroad Commissioners:

GENTLEMEN: You desire my opinion and answer to the following questions:

First. Are the rules governing public elevators in compliance with the laws of this State? In my opinion they are.

Second. Can the line elevators do business as private elevators and thus escape the law? I do not think they can.

Third. In case the elevators refuse to comply with the rules as adopted, or any of them, what is the remedy? Section 12, Chapter 126, Laws 1891, provides the penalty for violation of any part of the law referred to in said chapter, and as Section 2 of said chapter authorizes the Railroad Commissioners to provide and adopt rules, these rules become a part of the law and are the same in effect as though passed by the Legislature, hence the penalty provided for violation of the law referred to applies equally as well to a violation of the rules established and adopted by the Railroad Commissioners.

Fourth. Under Chapter 188, Laws of 1890, can Board through its inspectors at Grand Forks, Fargo, Wahpeton and Fairmount, without any unreasonable delay to the trains in transit, stop cars loaded with grain, opening the doors when sealed, and enter such cars for inspection, the inspectors closing and properly sealing the doors of such cars after inspection?

If you establish and adopt rules covering above points, I think they can, and I think the Commissioners have authority to adopt and establish such rules. The law is not as plain on this matter as it ought to be, but I think the intention of the Legislature was that the Railroad Commissioners should regulate the matter of inspection by such rules as they thought best. At any rate it will do no harm to pass such rules as you see fit, and if the courts do

not sustain them there will be no harm done, and if they are sustained great good may be accomplished.

Yours respectfully,

C. A. M. SPENCER,
Attorney General.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Aug. 1, 1891.

Hon. C. A. M. Spencer, Attorney General, Bismarck, N. D.:

DEAR SIR: I have been instructed by the Board of Commissioners of Railroad to request you to draw up forms of bonds for elevators and grain warehouses, also for Chief Inspector, chief deputy and assistant inspectors of grain.

And also to inquire of you what authority or power the Commissioners of Railroads have to enforce the provisions of Chapter 123 of the Session Laws of 1890.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., August 3, 1891.

Hon. C. A. M. Spencer, Attorney General, Bismarck, N. D.:

DEAR SIR: I have been directed to inquire of you if the Board of Commissioners of Railroads can accept as sureties on elevator bonds persons non-residents of the State of North Dakota.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

STATE OF NORTH DAKOTA,
ATTORNEY GENERAL'S OFFICE,
BISMARCK, Aug. 10, 1891.

M. J. Edgerley, Secretary Railroad Commission, Bismarck:

DEAR SIR: In compliance with your request I have this day drawn up forms of bonds for warehouses and inspectors of grain, which I herewith hand you.

Second. In answer to your question as to the authority of Railroad Commissioners to enforce Chapter 123, Laws of 1890, the penalty for failure of railroad companies to comply with demands of Railroad Commissioners is found in Section 3 of said chapter. While it is called a misdemeanor, it is in form somewhat in the nature of a quasi criminal action, as the object is to fine the companies. No imprisonment of parties.

Third. You also ask if Railroad Commissioners can take non-resident sureties on bonds of elevator men. I should advise that only residents of this State be accepted on bonds. Of course they could accept non-residents as surety, but it would cause much more trouble to collect from them in case it became necessary.

Yours truly,

C. A. M. SPENCER,
Attorney General.

BOND.

KNOW ALL MEN BY THESE PRESENTS, That of the County of and State of as principal and of the County of and of the County of and State of North Dakota, as sureties, are held and firmly bound unto the State of North Dakota in the penal sum of Dollars, good and lawful money of the United States, well and truly to be paid to the State of North Dakota, and for the due performance and payment of the same, we bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof we have hereunto subscribed our names and affixed our seals this day of 189..

The conditions of this obligation are such that whereas, the principal hereof is the
 of a line of grain elevators, or warehouses, doing business in the State of North Dakota,
 as public warehousemen, with elevators or warehouses located at the following places in said state,
 viz.

That the elevators or warehouses herein named or located, are to be used and operated for the
 purpose of buying, selling, storing, shipping and handling grain for profit, as public warehouses,
 as provided by law, relating to public warehouses and warehousemen,

Now, THEREFORE, If the said shall faithfully and lawfully perform their duties as public warehousemen, and comply with all the
 laws of the State of North Dakota relative thereto, and the rules and regulations adopted by the
 Board of Railroad Commissioners of said State in connection therewith, then this obligation to be-
 come null and void, otherwise to be and remain in full force and effect.

Principal, { (SEAL)
 (SEAL)
 (SEAL)
 Sureties, { (SEAL)
 (SEAL)
 (SEAL)
 (SEAL)

STATE OF NORTH DAKOTA, { ss. On this day of 189...
 County of before me, a notary public in and for said county and State,
 personally appeared, to me known
 to be the persons who executed the foregoing bond, and admitted the execution thereof, to be of
 their own free will and accord, for the purposes therein named.

Witness my hand and notarial seal the date named herein.

Notary Public, N. D.

STATE OF NORTH DAKOTA, { ss. On this day personally appeared before me,
 County of and being each duly sworn, deposes and says each for himself, that he is a resident and freeholder
 of the State of North Dakota, and worth the sum set opposite to his name herein, over and above
 his debts, exemptions and liabilities.

..... (SEAL)
 (SEAL)
 (SEAL)

Subscribed and sworn to before me this day of 189..

Notary Public, N. D.

BOND AND OATH.

KNOW ALL MEN BY THESE PRESENTS, That
 of the County of and State of North Dakota, as
 principal and of the County of
 and of the County of
 and State of North Dakota, as sureties, are held and firmly
 bound unto the State of North Dakota in the penal sum of Dollars,
 good and lawful money of the United States, well and truly to be paid to the said State of North
 Dakota, and for the due performance and payment of the same, we bind ourselves, our heirs, execu-
 tors and administrators, firmly by these presents. In witness whereof we have hereunto subscribed
 our names and affixed our seals this day of 189..

The conditions of this obligation are such that, whereas by
 has been appointed
 as provided by law,

Now, THEREFORE, If the said shall faithfully, impartially
 and lawfully discharge the duties of according to
 law and the rules and regulations adopted by the Commissioners of Railroads of the State of North
 Dakota, and will pay all damages to any person who may be injured by reason of his neglect or
 failure to comply with the law or rules and regulations aforesaid, then this obligation to become
 null and void, otherwise to be and remain in full force and effect.

Principal, (SEAL)
 (SEAL)
 Sureties, { (SEAL)
 (SEAL)
 (SEAL)

STATE OF NORTH DAKOTA { ss. On this day of 189...
 County of before me, a notary public in and for said county and State personally
 appeared, to me known to be the persons who executed the
 foregoing bond, and admitted the execution thereof to be of their own free will and accord.

Witness my hand and notarial seal the date named herein.

Notary Public, N. D.

STATE OF NORTH DAKOTA, }
County of..... } ss.

On this day personally appeared before me, and being each duly sworn, deposes and says each for himself, that he is a resident and freeholder of the State of North Dakota, and worth the sum set opposite to his name herein, over and above his debts, exemptions and liabilities.

..... (SEAL)
..... (SEAL)
..... (SEAL)
Subscribed and sworn to before me this..... day of....., 189..

Notary Public, N. D.

At a meeting of the Board of Commissioners of Railroads, held at the court house at Grand Forks, N. D., on the 8th day of August, 1891, the following proceedings were had :

Board met pursuant to the call of the chairman.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

There were also present Mr. George B. Winship and Mr. Baker of the Grand Forks Herald, E. D. C. Shortridge, Mr. Lampham, Hugh McDonald and others, of the Farmers Alliance.

The Board met for the purpose of discussing the question of grain grading and inspection, also the government of public elevators and grain warehouses in the State of North Dakota, with the leaders of the Farmers Alliance and others interested.

The following proceedings were had at the parlor of the Columbia hotel at Fargo, N. D., on the 15th day of August, 1891 :

The Board met at the parlor of the Columbia hotel at 10 o'clock a. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

There were also present E. D. C. Shortridge, president of the Farmers Alliance of the State of North Dakota, Hon. Walter Muir and R. B. Drayton of the Farmers Alliance, Major Fleming of Cass county, N. D., Mr. McGee, attorney for the National Elevator company of Minneapolis, Minn., and several others.

Chairman Walsh stated the objects of the meeting to be the discussion of the rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota.

Mr. Shortridge, president of the Farmers Alliance, addressed the meeting. Mr. McGee, attorney for the National Elevator company of Minneapolis, Minn., addressed the meeting on the subject of Rule 17. Hon. Walter Muir and Major Fleming also addressed the meeting.

On motion the Board adjourned until 2:30 p. m.

PARLOR COLUMBIA HOTEL,
FARGO, N. D., August 15, 1891.

Board met at 2:30 p. m., pursuant to adjournment.

Present, Commissioners Walsh, Harmon and Slotten.

Meeting called to order by Chairman Walsh.

The opinion of the Attorney General, Hon. C. A. M. Spencer, on the powers of the Board under the provisions of Chapter 123 of the Session Laws of 1890, and on non-resident sureties on elevator bonds was presented to the Board.

Board adjourned to meet at Room 25, Headquarters Hotel, Fargo, N. D., August 17, 1891, at 10 o'clock a. m.

The following proceedings were had by the Board at Room 25, Headquarters Hotel, Fargo, N. D., August 17 and 18, 1891:

ROOM 25, HEADQUARTERS HOTEL,
FARGO, N. D., Aug. 17, 1891.

The Board of Commissioners of Railroads met pursuant to adjournment at 10 o'clock a. m.

Present, Commissioners Walsh, Harmon and Slotten, and Attorney General Spencer.

Meeting called to order by Chairman Walsh.

The following questions were propounded to the Attorney General:

First. Have the Commissioners of Railroads of this State power to stop trains and inspect grain in transit, at the four terminal points, viz.: Grand Forks, Fargo, Wahpeton and Fairmount?

Second. Have the Commissioners of Railroads of this State power to make rules and regulations for the grading and inspection of grain at internal points in this State?

The secretary reported that he had issued a certificate of appointment to Jacob B. Wineman of Grand Forks, N. D., as Chief Inspector of Grain in the State of North Dakota on the 15th inst.

Bond of Jacob B. Wineman as Chief Inspector of Grain in the State of North Dakota, with Alex. Griggs and L. B. Richardson of Grand Forks as sureties, was presented to the Board.

On motion of Commissioner Harmon, seconded by Commissioner Slotten, the bond of Jacob B. Wineman as Chief Inspector of Grain for the State of North Dakota was approved.

Jacob B. Wineman, Chief Inspector of Grain, reported that he had appointed the following named persons chief deputy inspectors of grain, to-wit:

William Clone, chief deputy inspector at Grand Forks, N. D.

Charles A. Roberts, chief deputy inspector at Fargo, N. D.

Chris Olson, chief deputy inspector at Wahpeton, N. D.

D. F. Ellsworth, chief deputy inspector at Fairmount, N. D.

On motion of Commissioner Slotten, seconded by Commissioner Harmon, the foregoing appointments of chief deputy inspectors were approved.

It was moved by Commissioner Slotten and seconded by Commissioner Harmon, that this Board visit the Board of Trade and Chamber of Commerce of Duluth, Minn., for the purpose of en-

deavoring to get the North Dakota grades accepted as the standard grades, and to have North Dakota wheat admitted into the elevators without further inspection in the State of Minnesota.

The bond of Charles A. Roberts as chief deputy inspector of grain at Fargo, N. D., with George Q. Erskine and O. J. De Lendresie of Fargo as sureties, was presented to the Board, and on motion of Commissioner Harmon, seconded by Commissioner Slotten, the said bond was approved.

The secretary was directed to ask the general managers of the different lines of railways operated in this State if they would be friendly or hostile to the rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota, adopted by the Commissioners of Railroads, August 1, 1891.

Board adjourned to meet at Room 25, Headquarters hotel, August 18, 1891, at 3 o'clock p. m.

ROOM 25, HEADQUARTERS HOTEL,
FARGO, N. D., August 18, 1891.

The Board of Commissioners of Railroads met at 3 o'clock p. m., pursuant to adjournment.

Board called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

The bond of D. F. Ellsworth as chief deputy inspector of grain for the district of Fairmount, with J. W. Christian, J. H. Vail and Nils Peterson as sureties, was presented to the Board, and on motion of Commissioner Harmon the said bond was approved.

The bond of William Clone as chief deputy inspector of grain for the district of Grand Forks, with T. S. Edison, N. S. Nelson, F. Benham and William H. Fellows as sureties, was presented to the Board, and on motion of Commissioner Slotten the said bond was approved.

The bond of Chris Olson as chief deputy inspector of grain for the district of Wahpeton, with Erick A. Linn and Angrim Bratseth as sureties, was presented to the board, and on motion of Commissioner Slotten said bond was approved.

There being no further business the Board adjourned to meet at Duluth, Minn., on Monday, August 24, 1891, at 8 o'clock p. m.

In obedience to the directions of the Board the secretary addressed letters to the general managers of Northern Pacific Railroad company and the Great Northern Railway company, bearing date the 17th day of August, 1891, asking them if they would be friendly or hostile to the rules and regulations adopted by this Board on the 1st day of August, 1891, to which letters the following answers were received:

GREAT NORTHERN RAILWAY LINE.

ST. PAUL, MINN., Aug. 24, 1891.

M. J. Edgerley, Esq., Secretary Railroad Commission, Bismarck, N. D.:

DEAR SIR: We are in receipt of copy of rules and regulations relating to the inspection of grain and the government of public warehouses in the State of North Dakota.

The rules have been carefully considered from a practical standpoint, apart from any feeling of either hostility or friendship.

They in terms require the inspection of grain when delivered to elevators, and also provide for an inspection of grain in cars.

Whether it is intended that the rules shall apply to the inspection of grain in cars in trains, and at such times and in such way as to delay the movement of cars and trains, is not entirely clear.

There is no reason why the company should object to an inspection of grain so long as the movement of its cars and trains is not interfered with. Any delay of trains for the purpose of inspection at Grand Forks, Fargo, Wahpeton and Fairmount, or at any other points in the State, would be very harmful, not only to shippers, but to the company, especially at a season of the year when it is taxed to its utmost to supply promptly the demand for cars.

Grain starting from an initial point is kept constantly moving until it arrives at its point of destination. Cars loaded with grain are oftentimes and necessarily made part of trains containing carloads of different kinds of freight originating at points in other states, some of which freight may be *perishable*, and all of which the company is bound by its contract and billing to deliver on regular schedule time.

An enforcement of the rules if they are to be construed as requiring an inspection of cars in trains, would compel the company to hold its trains at the point of inspection during the time required for inspection and the time taken up on appeal for re-inspection, and also from one to eight or ten hours out of twenty-four in case trains did not reach the point for inspection until after the close of the day.

The company might be compelled to hold at Grand Forks, Fargo, Wahpeton and Fairmount, train loads of grain arriving there after 6 o'clock in the evening until the following day. But for such detention the cars would be at least 150 miles nearer the market before daylight the following morning.

Wahpeton and Fairmount are not division points on our line. This would compel us to hold our train crews and engines during the night at an increased cost to the company and discomfort to the men.

Another serious objection to such a course of inspection is that it will bunch cars by accumulating an unusual and unnecessary number to be moved at one time, and will thus interfere with the schedule time and the movement of other trains, and thereby greatly increase the risk of accident.

The company has 7,600 cars available for the transportation of grain. It has recently increased its equipment by 1,000 cars.

The delay to car and train movement by such a system of inspection will completely nullify and destroy all the advantages which the company expected and had a right to anticipate would follow its increase of equipment.

Railway companies are constantly pressed to increase rather than diminish the speed of their freight trains.

All cars in trains passing through the State will not be loaded with wheat or other grain. Many cars will be loaded with freight from other states, oftentimes with perishable freight, which the company is bound under its contract and billing to promptly deliver.

The delay occasioned by such inspection would frequently affect shippers of grain unfavorably by the length of time in transit when markets are changing rapidly, and would also inflict upon the company much loss growing out of its obligations to shippers of other and different kinds of freight.

The rules also fix a charge of 50 cents per car for inspection, and provide that this sum shall be paid as an advance charge by the company as a carrier.

It is the duty and the desire of the company to comply with all just and reasonable rules and regulations of the Railroad Commission. If the rules are to be construed as requiring or authorizing inspection of grain in cars in trains, and at such times and in such manner as to occasion delay in train movements, the company regards them as unreasonable, and it declines to hold its trains, or to permit its cars to be broken into for the purpose of such inspection. It also declines to be responsible for the collection of the inspection charge.

We have stated in a general way, without going into details, how loss will result to the company and to its patrons should the rules be held to require inspection of cars in trains.

The loss will not be limited to the company. Producers, especially in case of inadequate storage capacity, and also at a time when there is a large demand and fair price, will find it for their interest to make sales and have their product rapidly transported to market.

Any regulation which will cause a delay in the handling, sale, transportation or marketing of the grain crop of the State, can but be harmful to its people. Wherein will any benefit result from the inspection of cars in trains, especially when they are loaded, billed and consigned to points without the State?

They must and will be inspected under the laws of the state at place of consignment. Such inspection will govern as to the grade of the wheat, and as between buyer and seller, and will be made without any reference to the fact that there has been a prior inspection in any other state or by any other body or officials.

The question of the legality of the rules, and as to the jurisdiction of the Commission to interfere with interstate traffic is not a subject upon which we feel called upon at this time to express an opinion.

We decline to comply with the rules if they are to be construed as authorizing inspection in such a way as to delay train movement, or in such a way as to authorize the breaking into or opening of cars in trains which the company is under contract to safely transport and deliver within schedule time, upon the ground that such interference with its trains will *greatly increase the cost of transportation without any additional increase of revenue to this company or benefit to the owner of the grain* and will increase the burden of shippers, deprive the company of the use of its equipment and will make it impossible for the company to supply the demand for cars and perform its duty as a common carrier to the public, not only in North Dakota, but in other states.

Very truly yours,

A. L. MOHLER.
General Manager.

OFFICE OF THE GENERAL MANAGER,
NORTHERN PACIFIC RAILROAD COMPANY,
ST. PAUL, MINN., Aug. 27, 1891.

Subject: State Grain Inspection.

M. J. Edgerley, Esq., Secretary Railroad Commission, Bismarck, N. D.:

DEAR SIR: I beg leave to acknowledge receipt of your two letters dated respectively August 17th and 20th, and I take pleasure in inclosing herewith transportation requested to be used by the State Grain Inspectors in the performance of their official duties in North Dakota.

Will say in regard to your enquiries as to the attitude of this company in relation to the recent rules and regulations of your Commission relating to the inspection of grain, that where grain is shipped from one point to another in the State of North Dakota, this company will co-operate with the Commission on the matter of inspection either at receiving or terminal points. It cannot, however, in any case make itself responsible for the payment of fees for such inspection or act as collection agents.

In regard to the inspection of grain loaded within the State of North Dakota, and for which the railway company gives a shipping bill or bill of lading to the owner, such grain being consigned to points outside the State, it does not seem to me possible that your rules can contemplate the stopping of such grain in transit at designated points near the boundary line, upon the order of your inspectors to the conductors of trains; neither does it seem possible to me that your Commission can contemplate the responsibility of ordering train employes to break the seals of cars, for which through bills of lading have been given, or that the inspectors will desire to assume the responsibility themselves, as the business is interstate; has passed out of the hands of the farmers or original owners and is in the hands of common carrier who has entered into an obligation to transport it to its destination outside of the State.

In many cases you will find the bills of lading issued by the railroad companies have been used in obtaining money advanced, and, if cars were delayed, it would result in just cause for damage by the owner of the property. This company believes that when it issues a bill of lading, undertaking to transport property from one state to another, it is obligated to furnish such transportation with all reasonable diligence and care, and that it has no right to permit any delays or interference with interstate property under such circumstances. I will explain that in many cases trains would pass through points near the boundary line at night. In other cases there would be trains composed partially of interstate grain and partially of other freight, sometimes perishable freight and live stock, which would not be detained without danger and risk, and the delay at points near the boundary to trains in this way would result in great and unnecessary loss of time and extreme embarrassment, which would be a burden both upon the owner of the property and the common carrier.

It is possible that my interpretation of the rules may not be exactly in accordance with the idea your Commission intended to convey in framing them, but upon two particular points I will endeavor to make myself clear.

First. This company cannot attempt to undertake to act as a collection agency for the inspection fees upon grain.

Second. This company cannot permit the movement of its trains to be ordered or interfered with in any way except through the regularly appointed officers of the company. Any other course would subject the common carrier to censure and penalty.

The carrying out literally of the rules promulgated by you would result in practically blocking the wheat crop in North Dakota, to the great damage and detriment of the commercial interests of that State, at a time when it is the earnest desire of this company to furnish North Dakota with all the cars it can possibly procure for the prompt and satisfactory movement of the crop.

Yours very truly,

WM. S. MELLEN,
General Manager.

GREAT NORTHERN RAILWAY LINE.

ST. PAUL, Minn., Sept. 5, 1891.

*Hon. Geo. H. Walsh, Chairman Railroad Commissioners North Dakota,
Grand Forks:*

DEAR SIR: It is reported in the newspapers that your Commission proposes to try to stop trains and cars laden with grain in transit from North Dakota points to points outside your State, for purposes of inspection of the quality of the grain at the boundary. This company has no interest whatever in any elevator or warehouse business, or in any grain buying operations. Its only interest in connection with the subject of your regulations is concerned with expedition in handling grain after it has been put on board our cars. Anything that would tend to interfere with the most prompt and expeditious movement possible of the grain from the loading place to the eastern terminal,

would inflict great inconvenience and loss to this company by the tying up of its equipment, and at the same time injure your people.

Before the grain reaches us we do not care how frequently or how rigidly it is inspected, but after it has been delivered to us and put on board our cars, consigned to points outside the State, it is then a commodity forming a portion of the interstate commerce of the country and entirely beyond the jurisdiction of the State to regulate. Should the State attempt to interfere with our loaded cars destined to points in Minnesota or elsewhere outside of North Dakota, we certainly shall ignore its orders, and if an attempt should be made to punish any of our employes for so doing, we shall take the matter immediately into the United States courts, which have full jurisdiction in the premises. It does not seem to me that your Commissioners desire to drive us into a conflict of this character, but we certainly shall not hesitate to protect our rights and interests if you force us to do so. I would therefore advise that, if your Commission still desire to insist upon boundary inspection, that you make up a test case in order to determine your right to do so before making a good deal of trouble for us and probably more for the State.

This is a question, the importance of which to this company is almost boundless. In a short time our trains will be running through *seven* states, and if any one state can insist on the inspection of the contents of our cars while in interstate transit, each state can do the same, and the result may be that it will take weeks or months for a car laden with grain, say in Washington, to get to West Superior, in Wisconsin. The company cannot submit to any such interference until all resources for escape have been exhausted.

Yours respectfully,

W. P. CLOUGH,
Vice President.

The following correspondence was also had under said directions:

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, Aug. 20, 1891.

D. L. Bush, Superintendent H. & D. Division, C. M. & St. P. Ry. Co., Minneapolis, Minn.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads of this State to request of your company that they cause to be put in track scales at the terminal points on your line of road leading out of the State, to-wit: Fairmount, for the purpose of weighing grain by the carload. Provided that you have no track scales put in at that point already.

I have also been directed to inform you that Jacob B. Wineman, of the county of Grand Forks, N. D., has been appointed, and that he has qualified as Chief Inspector of Grain for the State of North Dakota, with headquarters at Fargo, N. D., and that the following named persons have been appointed chief deputy inspectors of grain, to-wit: Charles A. Roberts, of Cass county, N. D., for the district of Fargo, N. D.; William Clone, of the county of Grand Forks, N. D., for the district of Grand Forks, N. D.; Chris Olson, of Richland county, N. D., for the district of Wahpeton, N. D., and D. F. Ellsworth, of Sargent county, N. D., for the district of Fairmount, N. D.

I have also been directed to request of you that you extend official courtesies to these gentlemen, and that your company furnish them transportation over its lines in the State of North Dakota.

I send you by N. P. express twenty-five copies of the "Rules and Regulations for the Inspection of Grain and Government of Public Warehouses of the State of North Dakota."

Yours respectfully,

M. J. EDGERLEY,
Secretary.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY,
LEGAL DEPARTMENT.

CHICAGO, Aug. 31, 1891.

Mr. M. J. Edgerley, Secretary, Bismarck, N. D.:

DEAR SIR: Your letter of August 20 to D. L. Bush, superintendent H. & D. division of C., M. & St. P. R'y Co., has been handed to me for reply.

You say: "I have been directed by the Commissioners of Railroads of this State to request of your company that they cause to be put in track scales at the terminal points on your line of road leading out of the State, to-wit: Fairmount, for the purpose of weighing grain by the car load, provided that you have no track scales put in at that point already." You then call attention to the appointment of Jacob B. Wineman as Chief Inspector of Grain, and also naming his assistants, and their districts respectively. Accompanying your letter you send twenty-five copies of the rules and regulations for the inspection of grain and the government of public warehouses. I find on page 21 Rules 36 and 37 marked, I presume by you to attract attention.

Those rules are as follows:

Rule 36. It shall be the duty of inspectors at terminal points to apply to the conductor, agent or other person in charge of cars loaded with grain to open said cars for the purpose of inspection, and in case of the neglect or refusal of the said conductor, agent or other person to open said cars, the said inspector shall have power and it shall be his duty to break the seals of said cars and inspect the grain therein contained.

Rule 37. Conductors in charge of trains loaded or partly loaded with grain, at terminal points, upon application being made to them by inspectors, shall stop their trains sufficient time and give the inspector ample facilities to inspect the grain on board his train, and for that purpose the said conductors or other persons in charge of said train shall cause the doors of the cars in said train to be opened. And if the said conductor or other person in charge of said train neglect or refuse to open the said car doors as hereinbefore provided, the said inspector shall have authority to open the same whether sealed or not, and it shall be the duty of the said inspector to open the said car doors and inspect the grain therein contained.

I infer from the above statement in your letter and the rules above quoted that it is the purpose of D. F. Ellsworth, deputy inspector at Fairmount, to apply to conductors in charge of trains having cars loaded with grain which are being transported to places outside of the State of North Dakota to stop said trains a sufficient length of time to enable him to break the seals of cars and make inspection of the grain, and to require the company to place the cars on scales for the purpose of being weighed. If this be the purpose of your letter, and the meaning of the rules above quoted, I am instructed by the president of the company to inform you that in the opinion of the officers of the company this would be a serious burden on interstate commerce, which a state under the constitution and laws of the United States has no power to impose, and for that reason the company must respectfully decline to stop trains for the inspection of grain which is being transported from North Dakota to a place in some other state. The company would suffer considerable inconvenience before it would decline to comply with the regulations of your State; but stopping trains with cars loaded with grain destined to points in other states a sufficient length of time to switch the cars severally to scales to be weighed, and to allow the inspector to break the seals and inspect the grain therein, would be a serious loss of time, and a very large expense to the company; and in addition would, in case of a claim for shortage of the contents of the car, entail additional expense and trouble to prove that the grain had not been extracted from the car while the seal was broken.

Yours respectfully,

JOHN T. FISH,
General Solicitor.

The following proceedings were had on the 24th, 25th, 26th, 27th, 28th and 29th days of August, 1st, 2d and 10th days of September, 1891:

SPAULDING HOUSE,
DULUTH, Minn., Aug. 24, 1891.

The Board of Commissioners of Railroads met at 8 o'clock p. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh and Harmon.

Board adjourned to meet at the Board of Trade rooms at 10 o'clock a. m. August 25, 1891.

BOARD OF TRADE ROOMS,
DULUTH, Minn., Aug. 25, 1891.

The Board of Commissioners of Railroads met at the Board of Trade rooms at 10 o'clock a. m., pursuant to adjournment.

Present, Commissioners Walsh, Harmon and Slotten.

The Commissioners were admitted to the floor of the Board of Trade, and discussed the question of having the North Dakota grades recognized by the Board of Trade of Duluth.

The members of the Board of Trade said that the introduction of any other than Minnesota grades on the floor of the Board of Trade at Duluth would create confusion.

There was no conclusion arrived at by the Commissioners or by the Board of Trade of Duluth.

Board adjourned to meet at the Tower Hotel, Superior, Wis., on the 26th day of August, 1891, at 2 o'clock p. m.

TOWER HOTEL,
SUPERIOR, Wis., Aug. 26, 1891.

The Board of Commissioners of Railroads met at 2 o'clock p. m., pursuant to adjournment.

Present, Commissioners Walsh, Harmon and Slotten.

Mr. Kennedy, of Superior, and several others met with the Board and discussed the question of North Dakota grades and wheat inspection.

Board adjourned to meet in Minneapolis, Minn., August 27, 1891, at 10 o'clock a. m.

NICOLLET HOUSE,
MINNEAPOLIS, Minn., Aug. 27, 1891.

Board of Commissioners of Railroads met at 10 o'clock a. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

Mr. A. J. Sawyer, of Minneapolis, met with the Board and remained in consultation with them about two hours, when the following proposition was made to the Railroad and Warehouse Commission of the State of Minnesota:

Proposition from the Board of Commissioners of Railroads of the State of North Dakota to the Railroad and Warehouse Commission of the State of Minnesota: That all North Dakota wheat shall be inspected and weighed in by North Dakota inspectors and weighers, and that the same shall be inspected and weighed out by the Minnesota inspectors and weighers.

Proposition reduced to writing and given to Mr. A. J. Sawyer to deliver to the Railroad and Warehouse Commission of the State of Minnesota.

Board adjourned to meet at the Nicollet House, Minneapolis, Minn., Aug. 28, 1891, at 2 o'clock p. m.

NICOLLET HOUSE,
MINNEAPOLIS, Minn., Aug. 28, 1891.

Board met at 2 o'clock p. m., pursuant to adjournment.

Present, Commissioners Walsh and Harmon.

Mr. A. J. Sawyer presented to the Board the reply of the Railroad and Warehouse Commission of the State of Minnesota to the proposition made by this Board to the said Railroad and Warehouse Commission on the 27th day of August, 1891.

Reply received and filed.

Mr. Sawyer remained in consultation with the Board some time.

Board adjourned to meet in Bismarck, N. D., Aug. 29, 1891, at 10 o'clock a. m.

Following is the reply of the Railroad and Warehouse Commission of the State of Minnesota to the proposition made by this Board:

STATE OF MINNESOTA,
OFFICE OF RAILROAD AND WAREHOUSE COMMISSION.
SAINT PAUL, August 28, 1891.

Hon. Geo. H. Walsh, Chairman Board of Commissioners of Railroads of the State of North Dakota:

DEAR SIR: This commission has received this morning, by the hand of A. J. Sawyer, a communication in writing dated August 27, 1891, bearing your signature, which proposes that all North Dakota wheat shall be inspected and weighed in by North Dakota inspectors and weighers, and the same shall be inspected and weighed out by the Minnesota inspectors and weighers.

Assuming that this proposition relates to wheat inspection and weighing which is done under the control of this commission at terminal points in Minnesota by authority of state law, we are compelled to reply that for reasons which are obvious to us and which, we think, will suggest themselves to you, when you reflect upon this subject, we must decline to accede to any proposal which in the delicate and important service of determining grade and weight of wheat which is committed by law to this commission, shall be performed in any manner which divides the responsibility.

This commission has no right or authority under our laws to entertain such a proposal or to make it effective if it is entertained, and we are constrained, therefore, to most respectfully decline your request.

By order of the commission.

Yours very truly,

A. K. TEISBERG,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Aug. 29, 1891.

Board met at 10 o'clock a. m., pursuant to adjournment.

Present, Commissioners Walsh and Harmon.

The bond of the Farmers' Elevator company, of Mayville, Traill county, North Dakota, with C. S. Edwards, L. B. Gibbs and M. J. Gummer as sureties, was presented to the Board, and on motion of Commissioner Walsh said bond was approved, and the secretary was instructed to issue a certificate to the said Farmers Elevator company.

Board adjourned.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Aug. 29, 1891.

Board of Commissioners of Railroads met at 10 o'clock a. m. in regular meeting.

Present, Commissioners Harmon and Slotten.

On motion of Commissioner Slotten Commissioner Harmon was elected chairman pro tem.

The opinion of Attorney General C. A. M. Spencer, bearing date September 1, 1891, was received and filed.

Moved by Commissioner Slotten that the secretary be instructed to wire Commissioner Walsh that the Commissioners of Railroads will meet at Fargo, N. D., on the 2d day of September, 1891, at 10 o'clock a. m., at Headquarters Hotel. Carried.

Moved by Commissioner Slotten that when the Board adjourns it will adjourn to meet at Headquarters Hotel, Fargo, N. D., at 10 o'clock a. m., September 2, 1891.

On motion of Commissioner Harmon the secretary was directed to have blank certificates printed, to issue to elevator companies and public warehousemen that have complied with the law and filed a bond in the office of the Commissioners of Railroads, and the secretary was further directed to issue a certificate to such elevator companies and public warehousemen as have filed a bond immediately after the approval of such bond by the Board of Commissioners of Railroads.

Board adjourned to meet at Fargo, N. D., at 10 o'clock a. m., September 2, 1891.

Opinion of Attorney General C. A. M. Spencer, filed September 1, 1891:

STATE OF NORTH DAKOTA,
ATTORNEY GENERAL'S OFFICE.
BISMARCK, September 1, 1891.

To the Honorable Board of Railroad Commissioners:

GENTLEMEN: You desire my opinion relative to the law and the rules adopted by you in connection with the public warehouses and inspection of wheat.

First, as to the law relating to public warehouses: The Legislature of this State passed a law known as the "Public Warehouse Law," Chapter 126,

Laws 1891. By this act you are authorized and it is your duty to supervise the handling, weighing and storage of grain, and to establish all necessary rules and regulations for the weighing of grain and for the management of public warehouses of the State, as far as such rules and regulations may be necessary to enforce all the provisions of law relating thereto, in that justice may be done to the producers of this State, and oppression by the elevators avoided. You are to be the judges as to what rules and regulations are necessary to carry out the intent of said laws. The Legislature of 1890 passed a law, among other things, for the inspection of grain and establishment of North Dakota grades, Chapter 188, Laws 1890. Section 39, of said chapter, provides among other things, that "it will be the duty of Commissioners of Railroads to assume and exercise a constant supervision over the grain interests of this State; to supervise the handling, inspection, weighing and storage of grain; to establish all necessary rules and regulations for the weighing, grading, inspection and appeal on inspection of grain, and for the management of the public warehouses of the State, as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law of this State in regard to the same; to investigate all complaints of fraud and oppression in the grain trade, and to correct the same as far as it may be in their power."

The law under both of said chapters fully provides the manner of procedure

It is evident from the action taken by the Legislature of this State that the elevators were oppressing the people, and something must be done to prevent extortion and depression of the grain producers, and it has fully expressed such intent in the laws before referred to. There is no ground for misconception of the intention of the Legislature.

The authority to carry out the intent of the Legislature must be vested in some person, and in its wisdom it saw fit to bestow this duty upon the Railroad Commissioners.

Your duty is therefore plain and clear, the law is mandatory and subject to no doubtful construction; therefore it is your sworn duty to enforce the law as you find it on the statute books. It is not your province to investigate or doubt its legality or constitutionality; another body or tribunal exists to determine the legality of the laws, viz., the courts.

In accordance with said laws you have adopted a code of rules relating to the various subjects.

I have carefully examined said rules, and in my opinion all come within the law, except as hereinafter referred to. It seems to me that that provision in Rule 15, page 7, limiting all charges and commissions to not exceed 4 cents per bushel, also Rule 18, covering the same point, are not warranted by the law; also the last provision on page 7, Rule 15, which allows the elevator nothing for storage if the tickets are sold to the elevator within twenty days; this is in direct conflict with Section 11, Chapter 126, Laws of 1891, which provides that the storage, etc., for twenty days shall be 2 cents per bushel.

I would suggest that Rule 26, on page 18, be modified so as to cover inspection of trains at night as well as in day time, thus creating little delay. I don't believe the courts would require trains to be held at points of inspection during the whole night. This would surely be an unreasonable time to delay them, and work a great damage to their business. But if your rule is so modified as to inspect the cars at all time during the twenty-four hours of the day, then there could be no valid objection to the short delay required for inspection. I don't know, but it seems to me that if grain cannot be inspected by artificial light, it could be taken from car, the car properly designated and the wheat so taken from said car inspected the following day. As to Rules 36 and 37, page 21, I would suggest that they be modified in each, relative to the inspectors breaking seals in case of refusal of agent or conductors to open cars, in substance, that is case of conductor, agent or other person having charge of said train or cars, refuses to open and stop the train for inspection, then they, the company, can be compelled so to do by mandamus, as provided by law. This would be the better and safer method of procedure; the other is

doubtful if not inoperative to say the least, and besides we want to proceed in accordance with law, and not by force.

Under the law I think it doubtful for the Railroad Commissioners to pass rules governing inspection other than at the four places mentioned in the law, Grand Forks, Fargo, Wabpeton and Fairmount. There is no valid reason why they should not have such power, but the peculiar wording of the statute seems to limit inspection to the points named.

It has been suggested that a compromise be made with the elevators to the effect that a test case be made, and pending said case the elevators be permitted by consent of Railroad Commissioners to go on and do business in violation of the law until its legality was determined. This suggestion, coming from the representatives of the elevator companies, shows more than anything else could do the necessity of controlling this grasping monopoly by the strong arm of the law. It also shows considerable gall; the idea that the laws of a state should be suspended during the trial of a case to test the validity of a law, is only equaled by the desire and attempt of said companies to filch the producer out of his hard earnings.

It strikes me that it would look a little better and more law aiding for the companies which question the law to obey the same until the courts declare the law void, for until so declared by the courts acts of the Legislature are binding. As well might any other violator of the law ask a suspension of the law and he be permitted in the meantime to kill, rob, steal, etc., until the courts decided whether or not the law was valid.

In my judgment the elevators are no more privileged and have no higher rights than any other persons, and should comply with the laws until the courts declare them invalid, and if they don't see fit to obey the law, then let them take their chances on the result of litigation.

Respectfully submitted,

C. A. M. SPENCER,
Attorney General.

ROOM 25, HEADQUARTERS HOTEL,
FARGO, N. D., Sept. 2. 1891.

Board of Commissioners of Railroads met at 10 o'clock a. m.,
pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

Moved by Commissioner Harmon that Rule xv of the rules and regulations adopted by the Commissioners of Railroads for the government of public warehouses in the State of North Dakota, be amended to read as follows:

RULE XV.

The several warehouses and elevators doing business in this State as public warehouses are permitted to make the following charges, and no more, viz:

For receiving, elevating, insuring, delivering and twenty days' storage, two cents per bushel.

Storage after the first twenty days, one-half cent for each fifteen days or fraction thereof; and shall not exceed five cents for six months.

The grain stored shall be insured at the expense of the warehouseman, for the benefit of the owner.

Seconded by Commissioner Slotten and carried.

Moved by Commissioner Slotten that Rule XVIII of the rules and regulations adopted by the Commissioners of Railroads for the government of public warehouses in the State of North Dakota, be amended to read as follows:

RULE XVIII.

Each elevator company operating in this State shall furnish to the Commissioners of Railroads a daily report of the prices to be paid each day at every elevator operated by them, which price shall be based upon the West Superior (Wis.), price at which the wheat purchased can be sold and delivered of the day before, deducting freight from the station to West Superior (Wis.)

Notice to agent of changes of price shall be posted in a conspicuous place in each elevator.

Seconded by Commissioner Harmon and carried.

Moved by Commissioner Harmon that Rule xxvi of the rules and regulations prescribed by the Commissioners of Railroads of the State of North Dakota for the administration of the department of grain inspection and warehouse registration in the State of North Dakota, and to be in force from and after the 15th day of August, 1891, be amended to read as follows:

RULE XXVI.

Deputy and assistant inspectors and helpers shall be at their posts, ready for business, upon the arrival of all trains loaded with grain, day or night, unless otherwise ordered by the Chief Inspector.

Inspectors stationed at elevators shall, when necessary to complete the shipment upon which they are engaged, remain on duty until the said shipment is completed.

Seconded by Commissioner Slotten and carried.

Moved by Commissioner Slotten that Rule xxxvi of the rules and regulations prescribed by the Commissioners of Railroads of the State of North Dakota, for the administration of the department of grain inspection and warehouse registration in the State of North Dakota, and to be in force from and after the 15th day of August, 1891, be amended to read as follows:

RULE XXXVI.

It shall be the duty of inspectors at terminal points, to apply to the station agent, conductor or other person in charge of cars loaded with grain, to open the door or said car for the purpose of inspection and in case of the neglect or refusal of the said station agent, conductor or other person in charge of said cars to open the doors of the same, the said inspector shall immediately report the said refusal to the Chief Inspector, whose duty it shall be to report the same immediately to the Board of Commissioners of Railroads.

Seconded by Commissioner Harmon and carried.

Moved by Commissioner Harmon that Rule xxxvii of the rules and regulations prescribed by the Commissioners of Railroads of the State of North Dakota, for the administration of the department of grain inspection and warehouse registration in the State of North Dakota, and to be in force from and after the 15th day of August, 1891, be amended to read as follows:

RULE XXXVII.

Station agents, conductors or other persons in charge of trains loaded or partly loaded with grain, at terminal points, upon application being made to them by inspectors, shall stop their trains sufficient time to open the doors of cars in their train and give the inspector ample facilities to inspect the grain on board his train, and for that purpose the said station agent, conductor or other person in charge of train, shall cause the doors of the cars in said train to be opened, and if the said station agent, conductor or other person in charge of train, neglect or refuse to open the said car doors, the said inspector shall report the same, as provided in Rule xxxvi.

Seconded by Commissioner Slotten and carried.

The foregoing amendments are hereby approved and adopted at Room 25, Headquarters Hotel, Fargo, North Dakota, this 2d day of September, 1891.

GEO. H. WALSH,
Chairman.
GEO. W. HARMON,
ANDREW SLOTTEN,
Commissioners.

Attest:

M. J. EDGERLEY,
Secretary.

On motion of Commissioner Slotten the secretary was instructed to notify the Chief Inspector of Grain to proceed with the inspection of grain according to law and the rules and regulations adopted by the Board of Commissioners of Railroads.

On motion of Commissioner Harmon the secretary was instructed to have the rules and regulations prescribed by the Commissioners of Railroads of the State of North Dakota for the administration of the department of grain inspection and warehouse registration in the State of North Dakota, together with the amendments thereto, published in the following papers:

The Plaindealer, Grand Forks, N. D.
The Republican, Fargo, N. D.
The Globe, Wahpeton, N. D.
The Journal, Fairmount, N. D.
Board adjourned.

In obedience to the instructions of the Board, the secretary issued the following letter of advice to the Chief Inspector of Grain:

STATE OF NORTH DAKOTA,
OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, Sept. 3, 1891.

Jacob B. Wineman, Chief Inspector of Grain, Grand Forks, N. D.:

DEAR SIR: I have been directed by the Board of Commissioners of Railroads of the State of North Dakota to advise you that immediately upon the receipt by you of this communication, that you proceed to enforce the rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota, adopted by the Commissioners of Railroads August 1, 1891, as amended September 2, 1891. (Will send you the amendments as soon as printed.)

In all cases where you or your deputies may be obstructed or prevented from making the inspection provided for by these rules and regulations, you will report to the Board of Commissioners of Railroads the names of the persons so obstructing or preventing, the date, and names of witnesses, the number and initial letters of cars that you have been prevented from inspecting, together with all facts, matters and things connected therewith that may come under your observation at the time of such prevention or obstruction.

You will also report to the Board the names of all persons operating or running, or attempting to operate or run, a public warehouse or elevator without having first made the necessary bond required by law and these rules and regulations.

Yours respectfully,

M. J. EDGERLEY,
Secretary.

On the 8th day of September, 1891, the Chief Inspector of Grain reported as follows:

FARGO, N. D., Sept. 8, 1891.

M. J. Edgerley, Esq., Secretary Board Railroad Commission, Bismarck.:

DEAR SIR: As we started in to work at the Fargo yards this morning were served with the enclosed papers, as I wired you. Leave for Fairmount tonight and will make an attempt to inspect the Soo and Milwaukee roads.

Yours truly,

J. B. WINEMAN,
Chief Inspector.

On the 7th day of September, 1891, the Northern Pacific Railroad company and the Great Northern Railway company filed the following complaints in the office of the clerk of the Circuit Court of the United States for the district of North Dakota, at Fargo, North Dakota.

UNITED STATES CIRCUIT COURT, }
District of North Dakota. } In Equity.

Northern Pacific Railroad Company, Complainant, vs. George H. Walsh, George W. Harmon and Andrew Slotten, Commissioners of Railroads of the State of North Dakota, and Jacob Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain for said State of North Dakota, Defendants.

To the honorable, the judges of the Circuit Court of the United States for the District of North Dakota:

The Northern Pacific Railroad company, a corporation duly created and existing under that certain act of Congress approved July 2, 1864, entitled "An Act Granting Lands to Aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget Sound on the Pacific Coast by the Northern Route," and those certain acts and joint resolutions of Congress relating to the same subject matter, brings this, its amended bill, against the above named defendants, residents and citizens of the State of North Dakota, and thereupon your orator complains and says: That prior to January 1, 1890, your orator had constructed and was operating and at all times herein mentioned is operating a line of railway extending from Ashland, in the State of Wisconsin, westwardly through the States of Minnesota, North Dakota, Montana, Idaho and Washington, to Tacoma on Puget Sound; that the line of your orator's railway enters the State of North Dakota at Wahpeton, Fargo and Grand Forks; that your orator is now and has at all times herein mentioned been operating said line of railway as a common carrier of freight and passengers for hire; that a very large part of your orator's traffic and a large source of revenue consists of the transportation of freight from Oregon, Washington, Idaho and Montana, through the State of North Dakota into Minnesota and Wisconsin; that it is its practice, and in the operation of its railway and trains, it is necessary to take into its trains cars at different points on its line of road; that trains starting west of the State of North Dakota frequently contain cars loaded with stock, also cars loaded with fruit and perishable property, and it is necessary in the movement of such trains and in the operation of its railroad, for your orator to take into such trains cars at different points along its line in the State of North Dakota consigned to points without that State; that a very large amount of the business of your orator consists in the transportation of wheat and grain from North Dakota to St. Paul, Minneapolis and Duluth, in the State of Minnesota, and West Superior, in the State of Wisconsin; that it has provided for that purpose a large equipment of cars, having at the present time over two thousand cars suitable for the transportation of grain.

The grain crop of North Dakota and Minnesota for the present year is very large. The wheat product of North Dakota will, at a reasonable estimate exceed fifty million (50,000,000) bushels, and the product of Minnesota will be about the same in amount. That upwards of twelve millions of bushels of the wheat crop of North Dakota will be shipped from the State to markets and points without the State, over the line of your orator's railway, and fully as large an amount will be shipped from points in Minnesota to St. Paul, Minneapolis, Duluth and West Superior, over the line of your orator's railroad.

That by reason of inadequate storage facilities, and also the fact that over 90 per cent. of the wheat crop of North Dakota must be sold and marketed for delivery at points without the State, it is necessary and imperative to protect and subserve the interests of its people engaged in connection with the business of growing and handling grain, that the same should be handled and transported to market with as little delay as possible.

That your orator with its large equipment will not be able to transport wheat and grain from North Dakota and points in Minnesota to the market and to its terminals as rapidly as public demand and interest require.

That it is its practice and it necessarily must, in the movement of its trains and in the operation of its railroad, take cars into its trains at points in the State of North Dakota for delivery at points without the State, which trains contain cars received by it at points in Oregon, Washington, Idaho and Montana, and which trains will frequently contain cars loaded with stock, and also cars loaded with fruit and perishable freight, and which require the most rapid movement practicable, and which your orator is under contract to handle and move as rapidly as possible, and within the schedule time of its trains.

That in trains containing cars loaded with grain delivered to it at points in North Dakota, it is its practice and it necessarily must, in the ordinary operation of its railroad, take cars also loaded with wheat and other grain at different points on its line in the State of Minnesota.

That any unreasonable or unnecessary delay in the movement of its cars in trains will injure the public, not only of the State of North Dakota, but of Montana and of Minnesota, who are dependent upon or have any interest in shipments or transportation by way of or over your orator's line of railway.

At St. Paul, Minneapolis, Duluth, in the State of Minnesota, and West Superior in the State of Wisconsin, are elevators designated for the storage of wheat, and having a capacity of several millions of bushels. Lines of railway extend from each of said places to Chicago, Milwaukee, and by way of those places to New York, other eastern points and the seaboard, and also by way of Sault Ste. Marie and the Great Lakes to Montreal and eastern points.

In the City of Minneapolis are large flouring mills which consume annually over twenty millions of bushels of wheat. The local market for wheat in North Dakota will not demand one-tenth of the wheat product of the State. The balance of the product must find a market at points without the State, or be sold for consignment at such points.

Your orator further alleges that Defendants George H. Walsh, George W. Harmon and Andrew Slotten were elected and have duly qualified as the Commissioners of Railroads for the State of North Dakota. As such Commissioners they, on or about the first day of August, 1891, made and published rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota.

That said Commissioners have appointed Defendants Jacob B. Wineman as Chief Inspector, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth deputy inspectors of grain for said State of North Dakota.

That said Commissioners of Railroads have served a copy of such rules and regulations upon your orator, and have demanded and required obedience to the same upon its part and upon the part of its train operatives and employees.

(A copy of such rules is hereto annexed, made a part of this bill of complaint, and marked "Exhibit A.")

That your orator upon receiving such copy of said rules and regulations notified said Commissioners that it could not and would not comply with them. Since service of said notice upon said Commissioners, and upon the fifth inst., as your orator is informed and believes, George H. Walsh, Chairman of said Commissioners, notified your orator by communication with its division superintendent that proceedings would be instituted by the said Commissioners to require an observance of said rules and regulations by your orator and its employees; and your orator alleges that the defendants propose and have threatened to delay its trains at Grand Forks, Fargo and Wahpeton for the purposes of inspecting wheat under said rules, and to that end they have demanded of your orator that it stop its trains at these points and that it break the seals upon its cars and open the same for such inspection, and that in case this is not done by your orator or its employees, said defendants propose and threaten to remove the seals from such cars to break open the doors. Said defendants also propose and threaten, in case of non-compliance on the part of your orator and its employees with their rules and demands, to institute proceedings in the courts of the State of North Dakota against your orator and its employees to require them to comply with such rules and demands, and to punish them for their neglect and refusal to comply with the same; and said defendants will, unless restrained by the order of this court, proceed to enforce their rules and execute their threats.

Your orator further alleges that each and every one of its trains which the defendants propose to delay for the purposes of inspection under said rules and regulations, and the order of said Commissioners, will contain cars delivered to your orator, either in Minnesota or North Dakota, loaded with freight consigned to points without the State of North Dakota, and which your orator has contracted to deliver within a reasonable time, and pursuant to its public rules and schedules regulating the movement of its trains. And that such trains will frequently contain cars loaded with stock, also with fruit and other perishable freight, which is liable and oftentimes will be destroyed

by reason of such delay, should your orator be compelled to yield to the demands and observe said rules and regulations.

That each and every car in such trains which the defendants threaten and propose to inspect, will exclusively contain wheat delivered to your orator at points in North Dakota and consigned to points without the State and which at the time will be in transit from the State to the point of consignment.

That in nearly every case such wheat will have been sold and the title will have passed to a non-resident of the State, and in every case your orator will be under a contract obligation to deliver the same to a point without the State.

The wheat which defendants propose to so inspect will in nearly every instance have been sold for delivery at St. Paul, Minneapolis, Duluth, or West Superior. That under the laws of the State of Minnesota, inspectors have been appointed, whose duty it is to inspect all such wheat after delivery, and in the car, either before unloading or in the elevators afterwards, and all such wheat will have been sold subject to such inspection, and at price to be established thereby.

That should your orator be compelled to yield to the demands of the defendants, and observe said rules and regulations, it will sustain great and irreparable loss and damage. That said defendants propose to exact from your orator and require it to pay 50 cents for each and every car inspected, and that your orator shall seek reimbursement by collecting such sum as an advance charge.

That the average carload of wheat contains not to exceed 600 bushels. That it will require from 90,000 to 100,000 carloads to transport from North Dakota to points without the State wheat which will be sold in said States and consigned to said points. That should said rules be enforced great loss and injury would result to the public of the State of North Dakota, and of Minnesota, and to all persons having an interest in the transportation of freight over the line of your orator's railroad. Trains will ordinarily be made up of from twenty-five to forty cars. To inspect such trains, where each car is loaded with wheat, will require at least one hour, and frequently several hours. That wheat cannot be properly inspected by artificial light, and all trains arriving at points where inspection is to be made after the close of the day, must remain until the next morning. During the time of such delay many of the trains, had they not been delayed, would have made 150 miles on their way to point of destination. By the enforcement of such rules your orator will be deprived of the use of a very large part of its equipment, the cost of transportation will be largely increased, without any increase in revenue. The average movement of loaded freight trains per hour is from fourteen to twenty miles. The enforcement of such rules, by the delay that will result, will make it impossible for your orator to run its trains upon their regular schedule time. The delay will not be alone of the train of which the cars are inspected, but of many trains along the line, which must be held for an indefinite period to await the movement of the train, the cars of which are being inspected. Such delay will greatly increase the risk of accident and danger to the employes of your orator, as well as the risk accruing to it under its contract and obligation as a common carrier for the safe and speedy movement of its cars. Should the rules be enforced, it will be impossible for your orator to comply with the demands of its patrons in Minnesota, Dakota and other states, not only those who have grain for shipment, but others having various kinds of freight for transportation.

Your orator alleges that should said rules be enforced, it cannot meet its obligation as a common carrier, or perform the duties imposed upon it by its contract or by law.

That the Chicago & Northwestern Railroad company owns or operates a line of railway extending from Chicago, Illinois, through the State of South Dakota to Oakes, in said State of North Dakota. That the Minneapolis, St. Paul & Sault Ste. Marie Railway company owns or is operating a line of rail-

way extending from Minneapolis through the State of Minnesota into North Dakota, to Valley City. That the Chicago, Milwaukee & St. Paul Railway company owns or is operating a line of railway extending from Chicago, in the State of Illinois, into said State of North Dakota at Ellendale. That, as your orator is informed and believes, defendants do not propose to delay the trains of either of said lines of railway for the purposes of inspecting the wheat, or to inspect wheat in transit from the State in cars upon such line of railway.

Your orator alleges that said rules and regulations and said proposed inspection of wheat are without authority of law, and that no power or authority has been given to the defendants, or either of them, to make said rules or to inspect wheat in cars in transit from the State. That such inspection is not demanded by the public interests of the State of North Dakota, and it has and will subserve no useful purpose.

Your orator alleges that unless the defendants, their employees and deputies, are restrained, they will proceed to enforce said rules and to break open and inspect cars loaded with wheat and in transit from the State, as hereinbefore alleged, and in case of neglect or refusal of your orator or its employees to comply with their demands, they will institute proceedings in the courts of the State of North Dakota to require compliance therewith, or to punish your orator or its servants for their neglect and refusal.

Forasmuch as your orator can have no adequate relief except in this court, and to the end that the defendants may, if they can show why your orator should not have the relief hereby prayed, your orator prays that a provisional or preliminary injunction be issued, restraining the defendants and each of them, their employees, deputies or assistants, from delaying or attempting to delay any train of cars on the line of your orator's railway, which train contains cars loaded with wheat or other freight consigned from points within the State to points without, or in transit through said State of North Dakota; and that they be restrained and enjoined from interfering with, breaking open, or attempting to break open and inspect any car containing wheat delivered to your orator within the State of North Dakota and consigned for delivery to points without the State; and that they be restrained from demanding of the employees or operatives that they stop such trains or open said cars, and that they be restrained from instituting any suit or proceedings at law in the courts of said State, or otherwise, to require obedience to said rules and regulations or to the orders of said Commissioners of Railways, requiring the inspection of wheat in such trains or cars, and from instituting any proceedings to punish your orator or its employees for refusing to comply with said rules or with any direction or demand that they delay trains or cars or open the same for inspection, and that if any action has been brought or proceedings instituted in the courts of the State against your orator, or its employees, to enforce such rules or demand, or to punish for refusal or neglect to observe the same, that further prosecution of such action or proceeding be stayed, pending this cause, and for such other and further relief as the equities of the case may require, and to your Honors may seem meet.

May it please your Honors to grant unto your orator not only a writ of injunction conformable to the prayer of this bill, but also a writ of subpoena of the United States of America, directed to the said George H. Walsh, George W. Harmon and Andrew Slotten, Commissioners of Railroads of the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, as Grain Inspectors, commanding them on a day certain to appear and answer unto this bill of complaint, and to abide and to perform such order and decree in the premises as to the court shall seem proper, and required by the principles of equity and good conscience.

JOHN C. BULLITT, JR.,
Solicitor for Complainant.

W. F. BALL, }
JAS. McNAUGHT, } Of Counsel.

UNITED STATES CIRCUIT COURT, }
 District of North Dakota. }

The Great Northern Railway Company, vs. George H. Walsh, George W. Harmon and Andrew Stotten, as Commissioners of Railroads of the State of North Dakota; and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris Olson and D. F. Ellsworth, Inspectors of Grain for said State of North Dakota.

To the honorable, the judges of the Circuit Court of the United States in and for the District of North Dakota:

The Great Northern Railway company, a railroad corporation organized under and pursuant to the laws of the State of Minnesota, and having its principal place of business at the City of St. Paul, in said state, and a citizen of said state, complains against the defendants and each of them, being residents and citizens of the State of North Dakota, and says:

That prior to the first day of January, 1890, the St. Paul, Minneapolis & Manitoba Railway company, a railway corporation organized under and pursuant to the laws of the State of Minnesota, and a citizen of said state, was the owner of, and engaged in operating a line of railway extending from St. Paul and Hinckley, in the State of Minnesota, across said state and into and through the State of North Dakota to Great Falls, in the State of Montana.

That its line of railway entered the State of North Dakota at Fairmount, Wahpeton, Fargo and Grand Forks. From Fargo its line extended in branches to a junction with its main line, and the main line extended as above stated, into Montana.

It had in the State of North Dakota over one thousand miles of railroad, all of which was constructed in the Territory of Dakota, pursuant to the laws of said territory, and under resolutions of its board of directors, recorded in the office of the secretary of state of said territory, as required by law.

II.

Prior to the first day of February, 1890, the said St. Paul, Minneapolis & Manitoba Railway company, leased to your orator, the Great Northern Railway company, all of its line of railway, its appurtenances and equipment, for the period of 999 years. Since the first day of February, 1890, your orator has, under the provisions of said lease, had possession of all the lines of railway of the said St. Paul, Minneapolis & Manitoba Railway company, and has been and now is engaged in operating the same.

That the line of railway of your orator, leased as aforesaid, connects at Great Falls, in the State of Montana, with the line of the Montana Central Railway company, which line extends from Great Falls, via Helena, to Butte.

It connects with the line of the Eastern Railway company, of Minnesota, at Hinckley, Minnesota, and by way of such connection it operates through trains from Butte, Montana, to Duluth and West Superior, which last point is in the State of Wisconsin.

III.

That a very large part of its traffic, and a large source of revenue consists in the transportation of freight from Montana through the State of North Dakota into Minnesota and Wisconsin. That it is its practice, and in the operation of its railway and trains, it is necessary to take into its trains cars at different points along the line of its road.

That trains starting in Montana frequently contain cars loaded with stock, also cars loaded with fruit and perishable property, and it is necessary in the movement of such trains and in the operation of its railroad to take into such trains cars at different points along its line in the State of North Dakota, containing freight consigned to points without that State. That a very large proportion of the business of your orator consists in the transportation of wheat and grain from North Dakota to St. Paul, Minneapolis, Duluth and West Superior. That it has provided for that purpose a large equipment of

cars, having at the present time over seven thousand cars suitable for the transportation of grain.

The grain crop of North Dakota and Minnesota for the present year is very large. The wheat product of North Dakota will, at a reasonable estimate exceed fifty million (50,000,000) bushels, and the product of Minnesota will be about the same in amount. That upwards of twelve millions of bushels of the wheat crop of North Dakota will be shipped from the State to markets and points without the State over the line of your orator's railway, and fully as large an amount will be shipped from points in Minnesota to St. Paul, Minneapolis, Duluth and West Superior over the line of your orator's railroad.

That by reason of inadequate storage facilities, and also the fact that over 90 per cent. of the wheat product of North Dakota must be sold and marketed for delivery at points without the State, it is necessary and imperative to protect and subserve the interests of its people engaged in connection with the business of growing or handling wheat, that the same should be handled and transported to market with as little delay as possible.

That your orator with its large equipment will not be able to transport wheat and grain from North Dakota and points in Minnesota to the market and to its terminals as rapidly as the public demand and interest will require.

That it is its practice and it necessarily must, in the movement of its trains and in the operation of its railroad, take cars into its trains at points in North Dakota for delivery at points without the State, which trains contain cars received by it at points in Montana, and which trains will frequently contain cars loaded with stock, and also cars loaded with fruit and perishable freight, and which requires the most rapid movement practicable, and which your orator is under contract to handle and move as rapidly as possible, and within the schedule time of its trains.

That in trains containing cars loaded with grain delivered to it at points in North Dakota, it is its practice and it necessarily must in the ordinary operation of its railroad, take cars also loaded with wheat and other grain at different points on its line in the State of Minnesota.

That any unreasonable or unnecessary delay in the movement of its cars in trains will injure the public, not only of the State of North Dakota, but of Montana and of Minnesota, who are dependent upon or have any interest in shipments or transportation by way of or over your orator's line of railway.

IV.

At St. Paul, Minneapolis, Duluth, in the State of Minnesota, and West Superior, in the State of Wisconsin, are elevators designated for the storage of wheat and having a capacity of several millions of bushels. Lines of railway extend from each of said places to Chicago, Milwaukee, and by way of those places to New York, other eastern points and the seaboard, and also by way of Sault Ste. Marie and the Great Lakes to Montreal and eastern points.

In the City of Minneapolis are large flouring mills which consume annually over twenty millions of bushels of wheat. The local market for wheat in North Dakota will not demand one-tenth of the wheat product of the State. The balance of the product must find a market at points without the State, or be sold for consignment to such points.

V.

Your orator further alleges that Defendants George H. Walsh, George W. Harmon and Andrew Slotten were elected and have duly qualified as the Commissioners of Railroads for the State of North Dakota. As such Commissioners they, on or about the first day of August, 1891, made and published rules and regulations for the inspection of grain and government of public warehouses of the State of North Dakota.

That said Commissioners have appointed Defendant Jacob B. Wineman as Chief Inspector, Charles A. Roberts, William Clona, Chris Olson and D. F. Ellsworth deputy inspectors of grain for said State of North Dakota.

That said Commissioners of Railroads have served a copy of such rules and regulations upon your orator, and have demanded and required obedience to the same on its part, and upon the part of its train operatives and employees.

(A copy of such rules is hereto annexed, made a part of this bill of complaint, and marked "Exhibit A.")

That your orator, upon receiving such copy of said rules and regulations, notified said Commissioners that it could not and would not comply with them. Since service of such notice upon said Commissioners, and upon the 5th inst., as your orator is informed and believes, George H. Walsh, Chairman of said Commissioners, notified your orator by communication with its division superintendent that proceedings would be instituted by the said Commissioners to require an observance of said rules and regulations by your orator and its employees; and your orator alleges that the defendants propose and have threatened to delay its trains at Grand Forks, Fargo, Wahpeton and Fairmount for the purposes of inspecting wheat under said rules, and to that end they have demanded of your orator that it stop its trains at those points, and that it break the seals upon its cars and open the same for such inspection, and that in case this is not done by your orator or its employees, said defendants propose and threaten to remove the seals from such cars, to break open the doors. Said defendants also propose and threaten, in case of non-compliance on the part of your orator and its employees with their rules and demands, to institute proceedings in the courts of the State of North Dakota against your orator to require them to comply with such rules and demands, and to punish them for their neglect and refusal to comply with the same; and said defendants will, unless restrained by the order of this court, proceed to enforce their rules and execute their threats.

VI.

Your orator further alleges that each and every one of its trains which the defendants propose to delay for the purposes of inspection under said rules and regulations, and the order of said Commissioners, will contain cars delivered to your orator either in Montana or North Dakota, loaded with freight consigned to points without the State of North Dakota, and which your orator has contracted to deliver within a reasonable time, and pursuant to its public rules and schedules regulating the movement of its trains. And that such trains will frequently contain cars loaded with stock, also with fruit and other perishable freight, which is liable and oftentimes will be destroyed by reason of such delay should your orator be compelled to yield to the demands and observe said rules and regulations.

That each and every car in such trains which the defendants threaten and propose to inspect will contain wheat delivered to your orator at points in North Dakota and consigned to points without the State, and which at the time will be in transit from the State to the point of consignment.

That in nearly every case such wheat will have been sold, and the title will have passed to a non resident of the State, and in every case your orator will be under a contract obligation to deliver the same to a point without the State.

The wheat which defendants propose to so inspect will in nearly every instance have been sold for delivery at St. Paul, Minneapolis, Duluth or West Superior. That under the laws of the State of Minnesota inspectors have been appointed, whose duty it is to inspect all such wheat, after delivery, and in the cars, either before unloading or in the elevator afterwards, and all such wheat will have been sold subject to such inspection, and at price to be fixed upon the grade to be established thereby.

VII.

That should your orator be compelled to yield to the demand of the defendant and observe said rules and regulations, it will sustain great and irreparable loss and damage. That said defendants propose to exact from your

orator and require it to pay 50 cents for each and every car inspected, and that your orator shall seek reimbursement by collecting such sum as an advance charge.

That the average carload of wheat contains not to exceed 600 bushels. That it will require from ninety to one hundred thousand carloads to transport from North Dakota to points without the State wheat which will be sold in said State and consigned to said points. That should said rules be enforced great loss and injury would result to the public of the State of North Dakota, and of Minnesota, and to all persons having an interest in the transportation of freight over the line of your orator's railroad. Trains will ordinarily be made up of from twenty-five to forty cars. To inspect such trains where each car is loaded with wheat will require at least one hour, and frequently several hours. That wheat cannot be properly inspected by artificial light, and all trains arriving at points where inspection is to be made after the close of the day must remain until the next morning. During the time of the delay many of the trains, had they not been delayed, would have made 150 miles on their way to point of destination. By the enforcement of such rules your orator will be deprived of the use of a very large part of its equipment, the cost of transportation will be largely increased without any increase in revenue. The average movement of loaded freight trains per hour is from fourteen to twenty miles. The enforcement of such rules, by the delay that will result, will make it impossible for your orator to run its trains upon their regular schedule time. The delay will not be alone of the train of which the cars are inspected, but of many trains along the line, which must be held for an indefinite period to await the movement of the train, the cars of which are being inspected. Such delay will greatly increase the risk of accident and danger to the employees of your orator, as well as the risk accruing to it under its contract and obligation as a common carrier, for the safe and speedy movement of its cars. Should the rules be enforced it will be impossible for your orator to comply with the demand of its patrons in Minnesota, North Dakota and other states, not only those who have grain for shipment, but others having various kinds of freight for transportation.

Your orator alleges that should said rules be enforced it can not meet its obligation as a common carrier, or perform the duties imposed upon it by its contract or by law.

VIII.

That the Chicago & Northwestern Railroad company owns or operates a line of railway extending from Chicago, Illinois, through the State of South Dakota to Oakes, in said State of North Dakota. That the Minneapolis, St. Paul & Sault Ste. Marie Railway company owns or is operating a line of railway extending from Minneapolis through the State of Minnesota into North Dakota to Valley City. That the Chicago, Milwaukee & St. Paul Railway company owns or is operating a line of railway extending from Chicago, in the State of Illinois, into said State of North Dakota at Ellendale. That as your orator is informed and believes, defendants do not propose to delay the trains of either of said lines of railway for the purposes of inspecting wheat, or to inspect wheat in transit from the State in cars upon such line of railway.

Your orator alleges that said rules and regulations and said proposed inspection of wheat are without authority of law, and that no power or authority has been given to the defendants or either of them to make said rules or to inspect wheat in cars in transit from the State. That such inspection is not demanded by the public interests of the State of North Dakota, and it has and will subserve no useful purpose.

Your orator alleges that unless the defendants, their employees and deputies are restrained they will proceed to enforce said rules and to break open and inspect cars loaded with wheat and in transit from the State, as hereinabove alleged, and in case of neglect or refusal of your orator or its employees to comply with their demands they will institute proceedings in the courts of the State of North Dakota to require compliance therewith, or to punish your orator or its servants for their neglect and refusal.

Forasmuch as your orator can have no adequate relief, except in this court, and to the end that the defendants may, if they can, show why your orator should not have the relief hereby prayed,

Your orator prays that a provisional or preliminary injunction be issued restraining the defendants and each of them, their employes, deputies or assistants from delaying or attempting to delay any train of cars on the line of your orator's railway, which train contains cars loaded with wheat or other freight consigned from points within the State to points without, or in transit through said State of North Dakota; and that they be restrained and enjoined from interfering with, breaking open, or attempting to break open and inspect any car containing wheat delivered to defendant within the State of North Dakota and consigned for delivery to points without the State; and that they be restrained from demanding of the employes or operatives that they stop such trains or open said cars, and that they be restrained from instituting any suit or proceeding at law in the courts of said State or otherwise, to require obedience to said rules and regulations or to the orders of said Commissioners of Railways, requiring the inspection of wheat in such trains or cars, and from instituting any proceeding to punish your orator or its employes for refusing to comply with said rules or with any direction or demand that they delay trains or cars, or open same for inspection, and that if any actions have been brought, or proceedings instituted in the courts of the State against your orator, or its employes, to enforce such rules or demands, or to punish for refusal or neglect to observe the same, that further prosecution of such action or proceeding be stayed, pending this cause, and for such other and further relief as the equities of the case may require, and to your Honors may seem meet.

May it please your Honors to grant unto your orator, not only a writ of injunction conformable to the prayer of this bill, but also a writ of subpoena of the United States of America, directed to the said George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads of the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, as grain inspectors, commanding them on a day certain to appear and answer unto this bill of complaint, and to abide and perform such order and decree in the premises as to the court shall seem proper, and required by the principles of equity and good conscience.

M. D. GROVER,

W. E. DODGE,

Solicitors for Complainant.

UNITED STATES OF AMERICA, }
District of Minnesota. } ss.

On the 5th day of September, 1891, before me personally appeared W. P. Clough, vice president of the Great Northern Railway company, the complainant above named, who being by me duly sworn, deposes and says that he is the vice president of the Great Northern Railway company, and familiar with its business, and that he has read the foregoing bill of complaint and knows the contents thereof; that the same is true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters he believes it to be true.

W. P. CLOUGH.

Subscribed and sworn to before me the day and year first hereinabove written.

[SEAL.]

J. A. GARDNER,
Notary Public, Ramsey County, Minn.

And upon the filings of which complaints the following restraining orders and citations issued and were served on the defendants in said action:

UNITED STATES CIRCUIT COURT, }
 District of North Dakota. } Complaint.

Northern Pacific Railroad Company, Complainant, vs. George H. Walsh, George W. Harmon and Andrew Slotten, Railroad Commissioners of the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Grain Inspectors of North Dakota, defendants.

To the above-named defendants, and each of them:

Having read the bill in the above cause, duly verified, and being fully advised in the premises, it is hereby ordered that, until the further order of the court herein, you, the said defendants, and each of you, be, and you are, hereby restrained and enjoined from stopping or attempting to stop the car or cars of said complainant, loaded with or containing wheat or other grain, when such wheat is consigned or destined to any point without the State of North Dakota, or from breaking the seal or seals of any such car or cars, or from in any manner interfering with or attempting to interfere with the movements of the same, or from inspecting or attempting to inspect the same.

It is further ordered that you, and each of you, appear before this court on Thursday, September 10, 1891, at Fargo, North Dakota, at 10 o'clock a. m., then and there to show cause, if any you have, why a preliminary writ of injunction restraining you, and each of you, from doing any of the acts aforesaid should not issue against you, and each of you, during the pendency of this suit.

This order to be in force from and after filing with the clerk of this court a bond, to be approved by the clerk, in the sum of five thousand dollars, to answer for costs and damages, if any.

Done this 7th day of September, A. D. 1891.

ALFRED D. THOMAS,
 Judge.

UNITED STATES OF AMERICA, }
 District of North Dakota. } ss.

The President of the United States of America to George H. Walsh, George W. Harmon, Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, greeting:

We command you, and each of you, that you appear before the judges of the Circuit Court of the United States for the district of North Dakota, at Fargo, on the first Monday in October next, being the 5th day of October, A. D. 1891, to answer to the bill of complaint of the Northern Pacific Railroad company, this day filed in the office of the clerk of said court, and then and there to receive and abide by such order and decree as shall then or thereafter be made, upon pain of the said bill being taken as confessed against you and decree pronounced accordingly.

Witness, the Hon. Melville W. Fuller, Chief Justice of the Supreme Court of the United States, at Fargo, this 7th day of September, A. D. 1891, and of the independence the one hundred and sixteenth year.

J. A. MONTGOMERY,
 Clerk.

[SEAL.]

MEMORANDUM.

The above named defendants are notified that unless they enter their appearance in the clerk's office of said court at Fargo aforesaid, on or before the day to which the above writ is returnable, as above stated, the complaint will be taken against them as confessed, and a decree entered thereon accordingly.

J. A. MONTGOMERY,
 Clerk.

UNITED STATES OF AMERICA, }
 District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States in and for the district of North Dakota, do hereby certify that the foregoing is a true copy of the subpoena in chancery issued in the cause therein named.

In testimony whereof, I hereunto subscribe my name as clerk, and affix the seal of said court. Done at my office in Fargo, in said district, this 7th day of September, A. D. 1891.

J. A. MONTGOMERY,
 Clerk.

[SEAL.]

UNITED STATES CIRCUIT COURT, }
 District of North Dakota. } In Equity.

The Great Northern Railway Company, Plaintiff, vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain for said State of North Dakota, Defendants.

RESTRAINING ORDER AND ORDER TO SHOW CAUSE.

The Great Northern Railway company, a corporation organized and existing under the laws of the State of Minnesota, whereof it is a resident, having filed its bill of complaint in this court against the defendants, George H. Walsh, George W. Harmon and Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, as Commissioners of Railroads and inspectors of grain in and for said State of North Dakota, whereof they and each of them are residents and citizens, praying for an injunction and restraining order restraining and enjoining them and each of them, the defendants above named, and each of their agents, deputies and servants, from doing or performing any of the acts hereinafter enumerated, and the court being advised in the premises, and plaintiff having filed a bond in the sum of five thousand dollars (\$5,000), which is hereby approved.

Now therefore, you and each of you, the defendants above named and each and every of your agents, deputies and servants are hereby restrained and enjoined until the further order of this court from stopping, obstructing, hindering, impeding or interfering with any car or cars, train or trains, loaded with wheat or other kind of grain or merchandise, destined to be transported or in transit from any point or place in the State of North Dakota to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, and from instituting or prosecuting in the courts of said State of North Dakota any suit or proceeding to compel or cause said Great Northern Railway company, its agents or servants to stop, obstruct, unseal or open any such car or cars, and from in any manner hindering, impeding, obstructing or delaying said Great Northern Railway company in the performance of its duties to the public, as a common carrier, and you and each of you are further ordered to show cause before this court, at the City of Fargo, in said State of North Dakota, on Thursday, the 10th day of September, at 10 o'clock in the forenoon of said day, why a provisional and preliminary injunction should not issue, restraining you and each of you, your agents, deputies and servants, from doing and performing each and every of said acts hereinbefore recited.

Dated September 7, 1891.

ALFRED D. THOMAS,
 Judge.

UNITED STATES OF AMERICA, }
 District of North Dakota, } ss.

The President of the United States to George H. Walsh, George W. Harmon, Andrew Slotten, Jacob B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellworth, greeting:

We command you, and each of you, that you appear before the judges of the circuit court of the United States, for the district of North Dakota, at Fargo, on the first Monday in October next, it being the fifth day of October, A. D. 1891, to answer to the bill of complaint of the Great Northern Railway Company this day filed in the office of the clerk of said court, and then and there to receive and abide by such order and decree as shall then or thereafter be made, upon pain of the said bill being taken as confessed against you and decree pronounced accordingly.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, at Fargo, this 7th day of September, A. D. 1891, and of the independence the one hundred and sixteenth year.

[SEAL.] J. A. MONTGOMERY,
 Clerk.

MEMORANDUM.

The above named defendants are notified that unless they enter their appearance in the clerk's office of the said court, at Fargo, aforesaid, on or before the day to which the above writ is returnable, as above stated, the complaint will be taken against them as confessed, and a decree entered thereon accordingly.

J. A. MONTGOMERY,
 Clerk.

UNITED STATES OF AMERICA, }
 District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States in and for the district of North Dakota, do hereby certify that the foregoing is a true copy of the subpoena in chancery issued in the cause therein named.

In testimony whereof, I hereunto subscribe my name as clerk and affix the seal of said court. Done at my office in Fargo, in said district, this 7th day of September, A. D. 1891.

[SEAL.] J. A. MONTGOMERY,
 Clerk.

COLUMBIA HOTEL,
 FARGO, N. D., September 10, 1891.

Board of Commissioners of Railroads met pursuant to the call of the Chairman.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh and Slotten.

The bond of the Southwestern Elevator company of Sheldon, Ransom county, N. D., with Ed. Pierce, A. O. Runin and John H. Smith as sureties, was presented to the Board, and on motion of Commissioner Slotten, the said bond was approved.

Hon. C. A. M. Spencer, Attorney General, appeared and requested that the Board allow him additional counsel to aid in the defense of the injunction cases brought by the Great Northern Railway company and the Northern Pacific Railroad company

against the Commissioners of Railroads and the Chief Inspector of Grain and his chief deputies.

Moved by Commissioner Slotten that the Board procure additional counsel to assist the Attorney General in defending the above described suits.

Seconded by Commissioner Walsh and carried.

On motion of Commissioner Slotten Commissioner Walsh was appointed a committee of one to procure said additional counsel.

Board adjourned to meet at the call of the Chairman.

M. J. EDGERLEY,
Secretary.

Said causes were heard on the 14th Day of September, 1891.

Following is the full text of Judge Caldwell's decision in the injunction cases brought by the Great Northern and Northern Pacific Railway companies to restrain the Railway Commissioners and Grain Inspectors from inspecting wheat as provided in the rules adopted by the Commissioners:

The plaintiff is a common carrier engaged in interstate commerce. As such common carrier it receives wheat in bulk into cars in this State, for transportation into other states. The Commissioners of Railroads in this State, and the Inspectors of Grain, acting under the appointment and authority of such Commissioners, claim the right to require the plaintiff to stop its trains at certain points on its road in this State, open its cars, and permit the Grain Inspectors of the State to inspect, in the cars, the wheat received in this State for transportation to other states, and actually in transit to its destination in other states at the time. The Commissioners claim that the right to do this is conferred on them by the act of the Legislature of the State, entitled: "An Act to Regulate Warehouses, Inspection, Weighing and Handling of Grain;" Chapter 188, Laws of 1890.

In answer to this claim the plaintiff says, first: That the act does not confer upon the Commissioners any such powers; and secondly, that if it does confer such powers, it is an unconstitutional interference with interstate commerce, and void.

It is obvious upon a careful reading of the act that the purpose and intention of the Legislature was to secure to the producer and holders of wheat in this State the right to have their wheat stored in public warehouses or elevators in the State, for a reasonable commission—the act itself fixing the maximum rate of such storage—and to protect the owners of wheat so stored against fraudulent practices, by securing the return to them of the wheat they stored, or of other wheat of equal grade or value. All the provisions of the act are directed to the accomplishment of these objects.

Its first section defines public warehouses, and by Chapter 126 of the act of 1891, the definition is greatly enlarged, and it is declared that "all buildings, elevators or warehouses in this State, erected and operated or which hereafter may be erected and operated by any person or persons, association, co-partnership, corporation or trust for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses, and the person or persons, association, co-partnership or trust owning or operating said building or buildings, elevator or elevators, warehouse or warehouses which are now or hereafter may be located or doing business within this State, as above described, whether said owners or operators reside within this State or not, are public warehousemen within the meaning of this act, and none of the provisions of this act shall be construed so as to permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to parties offering such grain for sale, storage or handling at such public warehouses, while the same are in operation."

Sections 2 to 4, inclusive, relate to licenses and bonds of public warehousemen.

Section 5 provides that "it shall be the duty of every public warehouseman to receive for storage any grain—such grain in all cases to be inspected and graded by a duly authorized inspector, and to be stored with grain of similar grade."

This section is the marrow of the act. All subsequent provisions are designed to render it operative and effective.

Section 6 requires the warehousemen to give a receipt for the grain stored which "shall state upon its face the kind and inspected grade of the grain, and that the grain mentioned on it has been received into store to be stored with grain of the same grade by inspection," and "if the grain was received from railroad cars, the number of each car shall be stated upon the receipt."

Section 11 requires every warehouseman to post up weekly a statement of his business and to render a similar statement, under oath, to the "registrar."

Section 13 requires every warehouseman to publish his rates for storing wheat, and fixes the maximum rates which warehousemen are allowed to charge.

Section 14 prohibits warehousemen from mixing grain of different grades.

Sections 15 to 21 relate to weighing grain.

Sections 22 to 23 relate to the appointment and qualifications of inspectors.

Section 32 relates to securing the payment of charges for inspection, and is as follows: "The charge for the inspection and weighing of grain shall be and constitute a lien on the grain so inspected, and whenever such grain is in transit the said charges

shall be treated as advance charges, to be paid by the common carrier in whose possession the same is at the time of inspection."

In argument the learned Attorney General was compelled to rest the authority of the Commissioners' action in requiring the inspection of wheat in transit in cars to other states, on this brief section, the sole object of which is to give a lien on the grain for the inspection fees.

It is competent for the Board to provide that wheat shipped for storage in the public warehouses of the State may be inspected in cars at the place of shipment, or at the place of consignment, or between those places, and in either case it is an inspection of grain in "transit." For the transit does not end until the wheat is delivered to the elevator. What "transit," then, is referred to in Section 32? "In transit" where?

To another state where no regard would be paid to the inspection, or to some one of the public warehouses in this State, where the inspection would be effectual, and perform a useful and valuable office? "The transit" referred to in Section 32 is the transit which must occur in getting the wheat into the public warehouses of this State. It has reference to an intrastate, and not an interstate transit. If the Legislature had designed to subject to inspection all the wheat exported from the State while it was in transit out of this State, that intention would have found expression in appropriate words. According to the soundest canons of construction, such an intention cannot be reduced or implied from the simple declaration that the charges for inspecting wheat in transit shall be a lien on the grain. Every word and line of the act having any reference to the inspection of grain, and giving authority to inspect it, relates to grain stored or intended to be stored in the public warehouses of this State, and it is to the transit of such grain that Section 32 relates.

The suggestion is made that when grain is put on railroad cars in this State, it is usually put there for exportation, and not for transportation to another point in the State, and that therefore, the words "in transit" should be construed to mean interstate transit. But the act contemplates that grain will be shipped to the public warehouses of this State by rail. Section 6, as we have seen, provides that "if the grain was received in railroad cars, the number of each car shall be stated upon the receipt," and Section 35 provides that if the owner of grain is dissatisfied with the inspection, he may stop its delivery to the public warehouses, but he must in such cases remove "the grain in railroad cars" within twenty-four hours, upon "such railroad company placing the same in a proper and convenient place for unloading."

Contemplating, as the act does, an inspection in the cars of wheat in transit to the public elevators in this State, Section 32 was intended to secure the payment of the inspection fees in such cases, and cannot be made to perform any other office.

The authority of the Commissioners to make rules relative to the inspection of grain is restricted to "such rules and regulations as may be necessary to enforce the provisions of this act, or any law in this State in regard to the same." They are invested with no discretion; they can only make such rules and regulations as are necessary to enforce the provisions of the act of the Legislature. They can make no rules with regard to an inspection, which the act itself does not require to be made. Rules 36 and 37 of the Commissioners, under which the inspectors claim the right to require the plaintiff to stop its trains and open the cars containing wheat consigned to other states for inspection, require this to be done "at terminal points." The words "terminal points" are not found in the act of the Legislature, nor has our attention been called to any definition of them by the Commissioners. There are no terminal points for interstate shipments of wheat in this State. This State exports, but does not import wheat. The State line does not constitute a terminal point in shipments. The terminal point of an interstate shipment is the place of a consignment, or the point at which the carriage of one common carrier ends and that of another begins. In the case of interstate shipments the terminal points are usually points where the great lines of transportation center, and where wheat is dealt in extensively, and the conveniences and necessities of commerce require either its storage or trans-shipment. There being no terminal points in this State for grain shipped in this State consigned to points in other states, the authority of the inspectors under the rules, does not extend to such shipments. Nor do the rules impose on the plaintiff the duty to stop its train and submit to an inspection of the wheat in its cars which is consigned to another state, and as to which there is no terminal point of shipment in this State.

The only shipments of wheat which have "terminal points" in this State are shipments consigned to some point in this State. Thus construed, the rules are in harmony with the act of the Legislature.

The demand of the inspectors upon the plaintiff to open its cars for the purpose of having the wheat therein inspected, which was in transit to other states, finds no sanction in the rules or the act of the Legislature.

It is undoubtedly competent for the State, by appropriate legislation, to require all wheat grown in the State to be inspected before it is exported.

But the act under consideration deals only in the inspection of wheat stored or intended to be stored in the public warehouses or elevators in the State, and not with the inspection of exports.

There is nothing in the act making it the duty of one who ships wheat out of State or of the railroad company carrying such wheat to have it inspected either before or after it is put on the cars; nor does the act confer authority on the defendants to order or make such an inspection.

On the 18th day of September, 1891, the following injunctions were issued:

UNITED STATES CIRCUIT COURT, }
District of North Dakota. }

The Northern Pacific Railroad Company vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota.

The President of the United States to George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota:

Whereas, In the above entitled cause now pending in said United States circuit court in and for the district of North Dakota, upon application duly made to the court, it was on the 14th day of September, 1891, ordered that a preliminary writ of injunction issue therein as prayed for in the bill of complaint herein filed and as directed in said order;

Now, therefore, know ye that you, George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota, your agents, servants and attorneys, and each of you, are hereby strictly restrained and enjoined from stopping, obstructing or in any manner interfering with any car or cars, train or trains loaded with wheat or other kind of merchandise, destined to be transported or in transit from one point or place in the State of North Dakota to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, or in any manner hindering, impeding or obstructing said plaintiff, the Northern Pacific Railroad company, in the performance of its duties to the public as a common carrier, and you, and each of you, are hereby commanded that you do desist and refrain from doing or causing to be done all or any of the acts and things hereinabove recited and set forth, until the further order of the court in the premises.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 18th day of September, 1891, and the seal of said circuit court in and for the district of North Dakota.

J. A. MONTGOMERY.

[SEAL.]

Clerk.

UNITED STATES OF AMERICA, }
District of North Dakota. }

ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the annexed copy of the preliminary writ of injunction in the above entitled cause, with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed, at the city of Fargo in said district, this 21st day of September, 1891.

J. A. MONTGOMERY.

[SEAL.]

Clerk.

By H. G. EDWARDS, Deputy.

UNITED STATES CIRCUIT COURT, }
 District of North Dakota. }

The Great Northern Railway Company vs. George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota.

The President of the United States to George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota :

Whereas, In the above entitled cause, now pending in said United States circuit court in and for the district of North Dakota, upon application duly made to the court, it was on the 14th day of September, 1891, ordered that a preliminary writ of injunction issue therein as prayed for in the bill of complaint herein filed and as directed in said order;

Now, therefore, know ye that you, George H. Walsh, George W. Harmon and Andrew Slotten, as Commissioners of Railroads for the State of North Dakota, and J. B. Wineman, Charles A. Roberts, William Clone, Chris. Olson and D. F. Ellsworth, Inspectors of Grain in said State of North Dakota, your agents, servants and attorneys, and each of you, are hereby strictly restrained and enjoined from stopping, obstructing, or in any manner interfering with any car or cars, train or trains loaded with wheat or other kind of grain or merchandise, destined to be transported or in transit from one point or place in the State of North Dakota, to any point or place in another state, and from breaking the seal or lock upon any such car or cars, and from removing or interfering with the contents thereof, or in any manner hindering, impeding or obstructing said plaintiff, the Great Northern Railway company, in the performance of its duties to the public as a common carrier, and you and each of you are hereby commanded that you do desist and refrain from doing or causing to be done, all or any of the acts and things herein above recited and set forth, until the further order of the court in the premises.

Witness, the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 18th day of September, 1891, and the seal of said circuit court in and for the district of North Dakota.

J. A. MONTGOMERY,
 Clerk.

[SEAL]

UNITED STATES OF AMERICA, }
 District of North Dakota. } ss.

I, J. A. Montgomery, clerk of the circuit court of the United States for the district of North Dakota, certify that I have compared the foregoing copy of the preliminary writ of injunction in the above entitled cause, with the original on file in this office, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have caused the seal of said court to be hereunto affixed, at the city of Fargo in said district, this 21st day of September, 1891.

J. A. MONTGOMERY,
 Clerk.

[SEAL]

By H. G. EDWARDS, Deputy.

THE ELEVATOR AND WHEAT PROBLEM.

Under the laws of the State, the Commissioners of Railroads are also Warehouse Commissioners, and it is made their duty "to supervise the handling, weighing and storage of grain and seeds; to establish all necessary rules and regulations for the weighing of grain, and for the management of the public warehouses of the State, as for such rules and regulations may be necessary to enforce the provisions of Chapter 126, Session Laws of 1891, or of any laws of this State in regard to same; to investigate all complaints of fraud or oppression in the grain trade of this State, and to correct the same as far as it may be in their power."

In pursuance to this chapter this Board did, upon the first day of August, 1891, adopt and put into effect certain rules and regulations for the inspection of grain and government of public warehouses; what are and what are not public warehouses of this State under the law is a mooted question that has not yet been passed upon by our courts. Chapter 188, Laws of 1890, defines public warehouses as follows: "All elevators or warehouses located or to be located at Grand Forks, Fargo, Wahpeton and Fairmount; in this State, in which grain is stored in bulk and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and doing business for a compensation, are hereby declared to be public warehouses;" while Section 4 of Chapter 126, Laws of 1891, says that "all buildings, elevators or warehouses in this State, erected and operated or which may be hereafter erected and operated by any person or persons, association, co-partnership, corporation or trust, for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses, and the person or persons, association, co-partnership or trust owning or operating said buildings, elevator or elevators, warehouse or warehouses, which are now or may hereafter be located or doing business within this State, as above described, whether said owners or operators reside within this State or not, are public warehousemen within the meaning of this act, and none of the provisions of this act shall be construed so as to permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to the parties offering such grain for sale, storage or handling at such public warehouses, while the same are in operation."

The Board decided that both laws were operative (and the Attorney General of the State so held), but that the public warehouses should be classed under two heads. The elevators located at Grand Forks, Fargo, Wahpeton and Fairmount being what are termed terminal elevators, and should be classed "A," while the other elevators should be classed "B," but as yet there are no ele-

vators operated as terminal or class "A" elevators, so that our rules and regulations govern the general elevators of the State under the "B" class.

Shortly after the promulgation of these rules the line elevator companies doing business in this State informed us through their secretary that our rules were obnoxious to them, and unless they were modified in certain respects the companies would not run their elevators as public, but would run them only as private houses; *i. e.*, they would become buyers only and would not store or handle grain for farmers.

The rules to which they offered objections, and under the enforcement of which they would not operate their elevators, were Rules 15, 16, 17 and 18, which we herein quote:

RULE XV.

The several warehouses and elevators doing business in this State as public warehouses are permitted to make the following charges, and no more, *viz.*:

For receiving, elevating, insuring, delivering and twenty days' storage, two cents per bushel.

Storage after the first twenty days, one-half cent for each fifteen days or fraction thereof; and shall not exceed five cents for six months.

The grain stored shall be insured at the expense of the warehouseman, for the benefit of the owner.

For buying, receiving, elevating, insuring, shipping, inspection in North Dakota, transfer charges, commissions and all other legitimate charges, not to exceed four cents per bushel and fractions, as per Rule 18.

Any farmer selling his storage tickets to elevator company within twenty days after their date, shall pay no storage.

RULE XVI.

Every warehouseman doing business as a public warehouseman, shall cause to be kept in each and every warehouse or elevator under his charge, a blank book, properly ruled, which shall be designated "Wheat Register," in which shall be entered in ink:

First. Date of receipt of any grain.

Second. From whom such grain is received.

Third. The grade.

Fourth. The gross weight.

Fifth. The weight of dockage for dirt.

Sixth. The net weight of grain when docked.

Seventh. The price paid per bushel.

Eighth. A column for remarks; "stored" if stored; "purchased" if purchased; "appealed" if appealed from decision of warehouseman, or any other remarks that may be pertinent to the subject.

RULE XVII.

The warehouseman of each warehouse or elevator shall, at the close of each business day, make out a detailed report (upon blanks furnished by the Commissioners of Railroads), showing the gross number of bushels of grain of the several grades received during the day, the number of bushels of dockage on same, the price paid per bushel on same, and if any cars have been shipped out, the number and initial of each car, the number of bushels in each car and the grade of grain therein; to whom and to what point consigned; which report shall be certified to as being correct, and duly signed by the warehouseman, and forwarded by mail to the Commissioner of Railroads within the grain district, as provided in Rule 19.

RULE XVIII.

Each elevator company operating in this State shall furnish to the Commissioners of Railroads a daily report of the prices to be paid each day at every elevator operated by them, which price shall be based upon the Minneapolis price at which the wheat purchased can be sold and delivered of the day before, deducting freight from the station to Minneapolis, and not to exceed four (4) cents (and fractions) per bushel for all costs for handling the same.

Notice to agent of changes of price shall be posted in a conspicuous place in each elevator.

The foregoing rules are the essence of the entire subject of Elevator control by this Board in seeking to protect the farmers in the sale of their grain, and to have acquiesced in the demands of the elevator companies and eliminated these rules from the code of rules adopted, would have been to say to the elevator companies, go on and do business according to your own methods, without restriction or interference from this Board, or protection to the people. It is unnecessary to say, however, that the Board unanimously decided that the rules as adopted should stand as the rules of the state governing elevators, and if the elevators refused to comply therewith the responsibility would rest with them and not with us. Your Excellency and the people of the State know the result. The elevator companies carried out their threat by refusing to comply with the law in any respect—would neither store, ship or handle grain for the farmers—and as many farmers were not satisfied with the prices and grades offered by the elevators, they demanded cars from the railroad companies, and shipped their own grain, realizing from 6 cents to 20 cents per bushel more than was offered by the local elevators.

This entire elevator question has been placed in the hands of the honorable Attorney General of the state, with instructions to bring before the courts.

While the figures show that the bulk of the wheat shipped out up to date has been by the elevators, it also shows that the farmers are beginning to realize, and experience has demonstrated to them, that they can ship their own grain with greater profit and more satisfactory to themselves than by dealing with the elevators, and that it is only a question of time when the figures will be reversed, and the farmers will be the shippers instead of the elevators.

That we may have a better idea of the value of our wheat crop, we have prepared the following table, showing the price of wheat at Duluth and London upon corresponding dates, together with all costs for lake, canal and ocean freights, insurance and elevator charges:

DATE.	Elevator Charges at Duluth.	Freight—Duluth to New York.	Insurance.	Elevator charges—N. Y. & London.	Freight—N. Y. to London.	Total Charges.	Price Paid at Duluth.	Total Cost at London.	Price Paid at London.	Profits.
1884 April 7...	.01	.08	.01	.01½	.07	.18½	.93½	\$1.11½	\$1.28	° 16½
1884 May 5...	.01	.07	.01	.01½	.05½	.16	\$1.05	1.21	1.25	° 04
1884 June 2...	.01	.07	.01	.01½	.06½	.16½	1.01	1.17½	1.22	° 01½
1884 Sept. 1...	.01	.07	.01	.01½	.05	.15½	.84	.99½	1.19	° 19½
1884 Oct. 6...	.01	.07	.01	.01½	.08	.18½	.79½	.98	1.13	° 15
1884 Nov. 3...	.01	.04	.01	.01½	.10½	.22	.73	.95	1.13	° 18
1885 May 23...	.01	.07	.01	.01½	.08	.18½	.93½	1.12	.....	.....
1885 July...	.01	.06½	.01	.01½	.07	.17	.90½	1.07½	.....	.....
1885 Aug...	.01	.06½	.01	.01½	.08	.18	.90½	.98½	.....	.....
1885 Oct. 5...	.01	.07	.01	.01½	.09	.19½	.90	1.09½	1.17	.07½
1885 Nov. 2...	.01	.07	.01	.01½	.07	.17½	.90½	1.06	1.17	.09
1886 April 5...	.01	.07	.01	.01½	.07	.17½	.80	.97½	1.14	.16½
1886 May 3...	.01	.06½	.01	.01½	.07½	.17½	.82½	.99½	1.14	.14½
1886 June 7...	.01	.06½	.01	.01½	.09	.19	.80½	.99½	1.08	.08½
1886 Sept. 6...	.01	.09	.01	.01½	.06	.18½	.....	.....	1.05	.....
1886 Oct. 4...	.01	.10	.01	.01½	.07	.20½	.....	.....	1.05	.....
1886 Nov. 1...	.01	.10	.01	.01½	.09	.22½	.73½	.96	1.05	.09
1886 June 4...	.01	.06½	.01	.01½	.08½	.18½	.88½	.97½	1.08	.10½
1888 Sept. 3...	.01	.08½	.01	.01½	.11	.23½	.84	1.07½	1.26	.18½
1888 Oct. 1...	.01	.09	.01	.01½	.11	.23½	.....	.....	1.24½	.....
1888 Nov. 5...	.01	.09	.01	.01½	.11½	.24	1.28	1.47	1.35	* 12
1889 April 1...	.01	.08½	.01	.01½	.06½	.18½	1.06½	1.25	1.38	.13
1889 May 6...	.01	.07½	.01	.01½	.07	.18	.97½	1.15½	1.26	.10½
1889 June 3...	.01	.07½	.01	.01½	.08½	.19½	.91	1.10½	1.26	.15½
1889 Sept. 2...	.01	.08½	.01	.01½	.10	.22	.80½	1.02½	.....	.....
1889 Oct. 7...	.01	.09½	.01	.01½	.10½	.23½	.82½	1.06	1.08	.02
1889 Nov. 4...	.01	.10½	.01	.01½	.10	.23½	.79½	1.03½	1.08	.04½
1890 April 7...	.01	.08½	.01	.01½	.16	.18	.80	.98	1.11	.13
1890 May 5...	.01	.07½	.01	.01½	.05½	.16½	.92½	1.06½	1.11	.02½
1890 June 2...	.01	.07	.01	.01½	.05	.15½	.92½	1.08	1.17	.06
1890 Sept. 1...	.01	.07½	.01	.01½	.04	.14½	1.02½	1.17½	1.21½	.04½
1890 Oct. 6...	.01	.07½	.01	.01½	.04	.15½	1.02½	1.18	1.24½	.06½
1890 Nov. 3...	.01	.08	.01	.01½	.02½	.14	1.08	1.17	1.24½	.07½
1891 April 6...	.01	.06½	.01	.01½	.04	.14	1.02½	1.16½	1.29	.12½
1891 May 4...	.01	.06	.01	.01½	.03	.12½	1.06	1.18½	1.38	.19½
1891 June 1...	.01	.05½	.01	.01½	.06	.15	1.07½	1.22½	1.38	.15½
1891 Sept. 7...	.01	.08½	.01	.01½	.09	.21½	.97	1.08½	1.33	.29½
1891 Oct. 5...	.01	.08½	.01	.01½	.11	.23	.97½	1.20½	1.38	.17½
1891 Nov. 2...	.01	.11½	.01	.01½	.13	.28	.94½	1.22½	1.38	.15½

° Approximated, no No. 1 hard upon the market.

† Establishment of No. 1 hard grade, known in London as Duluth grade or No. 1 hard.

* Loss; a local spurt at Duluth.

‡ None in the market.

Taking the profits for the year 1891, with an abnormally large crop, estimated at 611,780,000 bushels, as against 357,112,000 bushels in 1885, the lowest wheat production in eleven years, we find the lowest profit of $12\frac{3}{4}$ cents per bushel to have been in April, 1891, before navigation was opened in the lakes; and the highest, $29\frac{7}{8}$ cents, in September, 1891, this at a period when our farmers were just commencing to rush in their crop to market, while the average profit for the year was a fraction less than 19 cents per bushel. Bear in mind that this average of 19 cents per bushel profit is only between Duluth and London, and that there is still another profit to be added to this, and that additional profit comes in between the point where it is purchased from the actual producer and Duluth, as shown by the following table:

	DATE.	Elevator Charges and Insurance at Grand Forks.	Freight—Gd. Forks to Duluth.	Commission & other Expense.	Total Expenses.	Price Paid at Grand Forks.	Total Cost at Duluth.	Price at Duluth.	Profits,
1884	April 7	.01½	.....	.01	.....	.....	.....	.93½	.....
	May 5	.01½	.....	.01	.....	.....	.....	1.05	.....
	June 2	.01½	.....	.01	.....	.....	.....	1.01	.....
	Sept. 1	.01½	18.8	.01	16.8	.63	79.3	.81	4.7
	Oct. 6	.01½	13.8	.01	16.8	.61	77.3	.79½	2.2
1885	Nov. 3	.01½	13.8	.01	16.8	.53	68.3	.73	3.7
	May 23	.01½	13.8	.01	16.8	.74	80.3	.83½	2.2
	July	.01½	13.8	.01	16.8	.72	88.3	.90½	2.4
	August	.01½	13.8	.01	16.8	.72	88.3	.90½	2.2
	Oct. 5	.01½	13.8	.01	16.8	.72	88.3	.90	1.7
1886	Nov. 2	.01½	13.8	.01	16.8	.71	87.3	.90½	3.2
	April 5	.01½	13.8	.01	16.8	.64	81.3	.80	3.7
	May 3	.01½	13.8	.01	16.8	.63	79.3	.82½	3.0
	June 7	.01½	13.8	.01	16.8	.60	76.3	.80½	4.0
	Sept. 6	.01½	13.8	.01	16.8	.60	76.3	.....	.....
1888	Oct. 4	.01½	13.8	.01	16.8	.55	71.3	.....	.....
	Nov. 1	.01½	13.8	.01	16.8	.55	71.3	.73½	2.2
	June 4	.01½	11.4	.01	13.9	.68	81.9	.88½	1.6
	Sept. 3	.01½	11.4	.01	13.9	.79	82.9	.....	.....
	Oct. 1	.01½	11.4	.01	13.9	.94	1.07.9	.....	.....
1889	Nov. 5	.01½	11.4	.01	13.9	1.02	1.15.9	1.23	7.1
	April 1	.01½	11.4	.01	13.9	.87	1.00.9	1.08½	5.6
	May 6	.01½	11.4	.01	13.9	.77	90.9	.87½	6.1
	June 3	.01½	11.4	.01	13.9	.71	84.9	.91	6.1
	Sept. 2	.01½	10.8	.01	13.5	.68	76.5	.80½	4.0
1890	Oct. 7	.01½	10.8	.01	13.5	.65	73.5	.82½	4.0
	Nov. 4	.01½	10.8	.01	13.5	.63	76.5	.79½	3.0
	April 7	.01½	10.8	.01	13.5	.64	77.5	.80	2.5
	May 5	.01½	10.8	.01	13.5	.76	89.5	.92½	5.0
	June 2	.01½	10.8	.01	13.5	.74	87.5	.92½	3.0
1891	Sept. 1	.01½	10.8	.01	13.5	.89	1.02.5	1.02½	.....
	Oct. 6	.01½	10.8	.01	13.5	.84	97.5	1.12½	5.2
	Nov. 3	.01½	10.8	.01	13.5	.87	1.00.5	1.03	2.5
	April 6	.01½	10.8	.01	13.5	.88	1.02.5	1.02½	.....
	May 4	.01½	10.8	.01	13.5	.91	1.04.5	1.06	1.6
1891	June 1	.01½	10.8	.01	13.5	.89	1.02.5	1.07½	5.0
	Sept. 7	.01½	10.8	.01	13.5	.81	94.5	.97	2.5
	Oct. 3	.01½	10.8	.01	13.5	.81	94.5	.97½	3.0
	Nov. 2	.01½	10.8	.01	13.5	.77	90.5	.94½	4½

*Loss.

In the above table we have taken Grand Forks as the initial point, which is favorable to the dealer, from the fact that Grand Forks is a good wheat market, owing to railroad facilities and milling competition, consequently it is reasonable to suppose that prices range higher here and profits would be less to the dealer than in the interior stations, where there are no such facilities or competition.

By adding the profits in table No. 2 to those in table No. 1, we have the result of the gross profit as shown in the following:

1884				1888			
DATE.	Profits at Duluth.	Profits at London.	Total Profits.	DATE.	Profits at Duluth.	Profits at London.	Total Profits.
April 7.....	....	.16%	....	1888 November 5.....	7.1	.12	19.1
May 5.....	....	.04	....	1889 April 1.....	5.6	.13	18.6
June 2.....	....	.04%	....	May 6.....	6.1	.10%	16%
September 1.....	4.7	.19%	24.2	June 8.....	6.1	.15%	21%
October 6.....	2.2	.15	17.2	September 2.....	4.0	....	....
November 3.....	3.7	.18	21.7	October 7.....	4.0	.02	6.0
1885 May 23.....	3.2	....	....	November 4.....	3.0	.04%	7%
July.....	2.4	....	....	October 7.....	2.5	.13	15.5
August.....	2.2	....	....	May 5.....	3.0	.2%	5%
October 5.....	1.7	.07%	9.2	June 2.....	5.0	.09	14.0
November 2.....	3.2	.09	12.2	September 1.....	4.0	.04%	8%
1886 April 5.....	0.7	.16%	15.8	October 6.....	5.2	.06%	11.7
May 3.....	3.0	.14%	17.%	November 3.....	2.5	.09%	3.0
June 7.....	4.0	.08%	12.%	1891 April 6.....	....	.12%	....
September 6.....	....	....	....	May 4.....	1.5	.19%	21.0
October 4.....	....	....	....	June 1.....	5.0	.15%	20%
November 1.....	2.2	.09	11.2	September 7.....	2.5	.29%	32%
1888 June 4.....	8.6	.10%	19.7%	October 8.....	3.0	.17%	20%
September 3.....	....	.18%	....	November 2.....	4%	.15%	19%
October 1.....	....	....	....	

Profits between Grand Forks and Duluth, as shown by table No. 2, do not show up very large, so far as figures go, for the reason that elevator companies are under contract with the railroad companies to pay for wheat within 4 cents of the market price, with the freights added. It will also be seen that we have allowed double elevator charges at Duluth, which would not come in upon through shipment, which would add another cent to the profit column in table No. 3. Then again the elevator purchasing from the farmer docks for dirt from three pounds to seven pounds per bushel, when one-half to one pound would cover the actual dirt; adding another profit of from 4 to 8 cents per bushel—an average of 6 cents; then the average farmer who sells to the elevators is lowered in the grade of his wheat to the amount of an additional 3 cents, and another 3 cents in false weights, so that there should be added to the profit columns in tables 2 and 3 an additional 12 cents per bushel, or a grand average between Grand Forks and London of 30 cents per bushel profit to the dealer.

If there were competition between the several elevator companies doing business in this State, these profits would undoubt-

edly be reduced, and the farmers would receive the benefit. Take the stations along the line of the Great Northern railway, where there are from three to five elevators, owned by as many different firms, there is no competition whatever; in fact, as a rule there is but one man buying wheat at each station, the other elevators being practically closed, and when one elevator at the station is full, this buyer goes over and opens another elevator and commences buying and filling up that elevator, and so on. This state of affairs is the rule, and not an exception.

The question asked is: How is this state of affairs to be met? We answer, by legislative enactment, if such a thing is possible; if not, then the farmers—the grain growers—must organize and control their own products. True, the farmers have their alliance—a worthy organization—but the trouble with the alliance is that it allows itself to get switched off upon the side-track of impracticable ideas, that will take years to carry out, and losing sight of the main issue of how they are to secure the best returns for their labor.

It is safe to say that of the 1891 crop the elevator companies will handle 30,000,000 bushels; a profit of 30 cents per bushel amounts to \$9,000,000.00 loss to the grain grower.

An investment in a stock company of only 1 cent per bushel by the grain growers who have sold this 30,000,000 bushels of wheat to the elevator companies, would have created a fund of \$300,000.00. This fund would have erected an elevator at West Superior, with a capacity of 1,000,000 bushels, at a cost of \$180,000.00, and with the balance, or \$120,000.00, would have employed first-class men to look after the business—one at West Superior, one at London or Liverpool, England, and the other at Edinburgh, Scotland, besides paying all expense of operating the elevator, inspection, etc., and have still remaining in the treasury a handsome sum, and the growers would have saved to themselves the balance of the nine million dollars, or \$8,700,000.00.

This is the most practical solution of this problem. It is not a new undertaking or idea. The Millers Association of this State are organized and do their business practically in this manner. The grain grower would receive his money upon his shipment as soon as it was billed, upon a draft drawn upon the foreign agent.

This entire subject has been outlined to Hon. E. D. C. Shortridge, president of the Farmers' Alliance of the State, who has fully investigated the same, and who is in accord with the views of this Board. We will therefore not enter into further details. However, we will be pleased at any time to give the farmers all information and assistance at our disposal.

In the matter of grain grades and inspection, we are in favor of placing this matter in the hands of the general government, and under control of inspectors appointed by the general government, believing this system would give us a more uniform and better system of grading.

Further, the Board has at its disposal a valuable elevator site, upon deep water, at West Superior, which will be donated free of cost by the property owners of West Superior to the Farmers Elevator company.

Respectfully submitted by the Board,
GEO. H. WALSH,
Chairman.

Attest:
M. J. EDGERLEY,
Secretary.

EXTRACTS FROM THE MINUTES OF THE BOARD.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Jan. 6, 1891.

Board met for organization.

Members present, George H. Walsh, George W. Harmon and Andrew Slotten.

On motion of George W. Harmon, which was seconded by Andrew Slotten, George H. Walsh was elected Chairman. Harvey Harris, the secretary of the old Board, was requested to continue in the capacity of secretary until his successor should be elected and qualified. Adjourned to meet at the call of the Chairman.

HARVEY HARRIS,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Jan. 8, 1891.

Board met at the call of the Chairman.

Called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

The matter of a petition for a sidetrack or spur on the Great Northern Railway adjacent to the coal mines of J. L. Colton, of Ward county, N. D., was under consideration, and it was decided to visit the locality and make an investigation, and the secretary was instructed to notify Mr. Colton that the Board would be in Minot on the evening of January 13 for that purpose.

Also to notify the Great Northern Railway of such meeting and request that a representative of the road be present at said investigation.

The matter of the petition for a depot at Edinburg was under consideration, but no action was taken. Adjourned to meet at the call of the Chairman.

HARVEY HARRIS,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Feb. 3, 1891.

Board met at the call of the Chairman.

Called to order by Chairman Walsh.

Members present, Commissioners Walsh and Harmon.

On motion of Mr. Harmon, Mathew J. Edgerley, of the County of Burleigh and State of North Dakota, was elected secretary of the Board. Adjourned to meet at the call of the Chairman.

HARVEY HARRIS,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Feb. 17, 1891.

Board met pursuant to the call of the Chairman.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

The following resolution was adopted unanimously:

Resolved, By the Board of Commissioners of Railroads of the State of North Dakota, that the said Board attend the convention of the Railroad Commissioners of the United States, to be held at the rooms of the Interstate Commerce Commission at Washington, D. C., on the 3d day of March, 1891, the Hon. Andrew H. Burke, Governor of North Dakota, having advised and ordered the Board to so attend.

On motion the Board adjourned to meet at the Merchants Hotel, St. Paul, Minn., on the 27th day of February, 1891, at 8 o'clock p. m.

M. J. EDGERLEY,
Secretary.

ROOM 18, MERCHANTS HOTEL,
ST. PAUL, MINN., Feb. 27, 1891.

Board met at 8 o'clock p. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh and Slotten.

Commissioner Harmon and Secretary Edgerley were excused from attending the convention of Railroad Commissioners of the United States to be held in Washington, D. C., on the 3d day of March, 1891.

Board adjourned to meet at the call of the Chairman.

M. J. EDGERLEY,
Secretary.

MERCHANTS HOTEL,
ST. PAUL, MINN., March 21, 1891.

Board met pursuant to the call of the Chairman.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

Board visited the general offices of the Great Northern Railway company to consult with General Manager A. H. Mohler in

regard to the matter of building a sidetrack at Colton's mine, and the lignite coal tariff from said mine, and removing the Farmers warehouse at Lidgerwood, and the "Y" at Grand Forks. Met Mr. Mohler and discussed the subject with him, Mr. Mohler promising to take these matters into consideration, particularly the "Y" at Grand Forks if the business men desired that it should be built.

Board adjourned to meet at Minneapolis on the 23d inst., at 10 o'clock a. m.

M. J. EDGERLEY,
Secretary.

NICOLLET HOUSE,
MINNEAPOLIS, Minn., March 23, 1891.

Board met at Nicollet House at 10 o'clock a. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

The Board decided to visit the Chamber of Commerce building and meet the elevator men. After quite a spirited discussion with the elevator men on the subject of grain grading and inspection, the Board returned to the Nicollet House and adjourned to meet in Grand Forks on the 24th day of March, 1891, at 11 o'clock a. m.

M. J. EDGERLEY,
Secretary.

DAKOTA HOUSE,
GRAND FORKS, N. D., March 24, 1891.

Board met at 11 o'clock a. m. at the Dakota House, pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

The Board decided to meet with the business men of Grand Forks at the City Hall, and did meet with them and discussed the matter of building a "Y" to connect the tracks of the Northern Pacific with those of the Great Northern railway, and the sentiment of the business men of Grand Forks was unanimous in favor of building the said "Y."

The Board returned to the Dakota House and passed the following resolution:

Resolved, That the regular meetings of this Board for the transaction of general business be held on the first Tuesday of each and every month, at their office in the City of Bismarck, N. D.

The Board adjourned to meet at the call of the Chairman.

M. J. EDGERLEY,
Secretary.

OFFICE COMMISSIONERS OF RAILROADS,
BISMARCK, N. D., Oct. 6, 1891.

Board of Commissioners of Railroads met in regular session at 10 o'clock a. m.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh, Harmon and Slotten.

Commissioner Walsh reported that the Hon. C. A. M. Spencer, Attorney General, had selected Messrs. Stone, Newman and Resser to assist him in the defense of the injunction cases brought by the Northern Pacific and Great Northern Railway companies against the Commissioners of Railroads and the Inspectors of Grain, and that he had approved the selection.

The Board adjourned to meet at the call of the Chairman.

M. J. EDGERLEY.

Secretary.

ROOM 25, HEADQUARTERS HOTEL,
FARGO, N. D., Oct. 13, 1891.

The Board of Commissioners of Railroads met pursuant to the call of the Chairman.

Present, Commissioner Walsh.

There being no quorum present the Board adjourned to meet at the Merchants Hotel, Wahpeton, N. D., October 13, 1891, at 10 o'clock p. m.

M. J. EDGERLEY,

Secretary.

MERCHANTS HOTEL,
WAHPETON, N. D., Oct. 13, 1891.

Board of Commissioners of Railroads met at 10 o'clock p. m., pursuant to adjournment.

Meeting called to order by Chairman Walsh.

Present, Commissioners Walsh and Slotten.

Moved by Commissioner Slotten that the following rules of practice in cases and proceedings before the Commissioners of Railroads of the State of North Dakota be adopted.

Seconded by Commissioner Walsh and carried.

RULES OF PRACTICE IN CASES AND PROCEEDINGS BEFORE THE
COMMISSIONERS OF RAILROADS OF THE STATE OF NORTH
DAKOTA.

RULE I.

PUBLIC SESSIONS.] The sessions of the Commissioners of Railroads of the State of North Dakota, for the hearing of contested cases, will be held at such time and place as the Commissioners may direct.

The Commissioners may investigate the course pursued by common carriers or public warehousemen, in respect to compliance with the provisions of the law, on their own motion.

RULE II.

PARTIES.] When a complaint, petition or application concerns only anything done or omitted to be done, by a single company, no other company need be made a party, but if it relates to matters or things, in which two or more companies doing business under a common control, management or arrangement, for a continuous carriage or shipment, are interested, all the companies having such interest must be made parties.

A complaint, petition or application may embrace several companies or lines of railroads, operated separately, in the same case or proceeding, when the subject matter of the complaint involves substantially the same alleged violation of the law by the same companies or lines.

Persons or companies not parties may apply, in any pending case or proceeding, for leave to intervene, and to be heard upon the questions involved.

RULE III.

COMPLAINTS.] Complaints under Chapter 122 of the Session Laws of 1890, of anything done or omitted to be done, by any railroad company subject to the provisions of said act, or for the violation of any law of the State of North Dakota, in contravention of the provisions thereof, must be made by petition, which must briefly state the facts which are claimed to constitute a violation of law, and must be verified by the petitioner, or by some officer, agent or attorney of the corporation, society or other body or organization making the complaint, to the effect that the allegations of the petition are true to the best knowledge, information or belief of the affiant.

When a complaint is made the name of the company or companies complained against must be set forth in full, and the address of the petitioners, and the name and address of his attorney or counsel, if any, must be endorsed upon the petition.

The said Commissioners shall inform such railroad company, by a notice thereof in writing, to be served as a summons in a civil action, required to be served by the Statutes of this State, in actions against corporations, when certified by the clerk or secretary of the Railroad Commissioners.

RULE IV.

ANSWERS.] A railroad company complained against must answer the complaint made within fifteen days from the date of the service of the notice, unless the Commissioners of Railroads shall in particular cases or proceedings prescribe a shorter time for the answer to be served, and in such cases the answer must be served within the time prescribed, upon the petitioner by the party answering, personally or by mail, and must forthwith notify the secretary of the Commissioners of Railroads of that fact, and file the original answer in the office of the said secretary.

The answer must admit or deny the material allegations contained in the complaint, and may set forth any additional matter or thing claimed to be material to the issue.

The answer must be verified in the same manner as the petition.

If a railroad company or other corporation complained against shall make satisfaction, do or perform the thing necessary to be done, or shall abate the matter or thing complained of, a written acknowledgment of satisfaction must be filed in the office of the secretary of the Commissioners of Railroads, and in that case, the fact of satisfaction, without other matter, may be set forth in the answer served on the petitioner and filed.

If satisfaction be made after the service and filing of an answer, a supplemental answer setting forth the fact of satisfaction may be served and filed.

RULE V.

REPLY.] A reply will not be required, under the rules of practice, before the Commissioners of Railroads of this State, but a petitioner may reply if he so desires.

RULE VI.

NOTICE OF HEARING ON PETITION.] If a railroad company, complained against, shall deem the petition insufficient to show a breach of legal duty, it may, instead of serving and filing an answer, serve on the petitioner a notice for a hearing of the case, on the petition, and in case of the service of such notice, the facts stated in the petition will be taken as admitted. The original notice must at the same time be filed in the office of the secretary of the Commissioners of Railroads.

The serving and filing of an answer will not be deemed an admission of the sufficiency of the petition, and a motion to dismiss for insufficiency of the petition may be made at the hearing.

RULE VII.

APPEARANCE—SERVICE OF PAPERS.] When any party to a case or proceeding, pending before the Commissioners of Railroads, shall have appeared by attorney, service of copies of notices or other papers, in the case or proceeding, must be made upon the attorney, and such service shall be deemed proper service upon the party.

RULE VIII.

VERIFICATION.] Verifications to a petition, complaint, answer or other paper, may be taken before any officer authorized to administer an oath, in the state where the same may be taken, but if the officer taking the same have no official seal, the verification shall be certified and signed by such officer and shall be further authenticated, either by parol proof, adduced before the Commissioners, or by the official certificate and seal of any secretary or

other officer of state, keeping the great seal thereof, or by the clerk of any court having a seal, attesting that such officer was at the time of taking the same, authorized by law to administer an oath.

RULE IX.

AMENDMENTS.] Upon application by any petitioner or party, amendments may be allowed by the Commissioners, in their discretion, to any petition, answer, or other pleading, in any case or proceeding before the Commissioners.

RULE X.

ADJOURNMENT.] Adjournments and extensions of time may be granted upon the application of parties, in the discretion of the Commissioners.

RULE XI.

STIPULATIONS.] Parties to cases and proceedings before the Commissioners of Railroads, may, by stipulation, duly signed by them and filed with the secretary, agree upon the facts, or any portion of the facts, they deem to be involved in the controversy, which agreed statement shall be regarded and used as evidence.

It is desirable that the facts be thus agreed upon whenever practicable.

RULE XII.

HEARINGS.] Upon issue being joined by the service and filing of the answer, the Commissioners will assign a time and place for the hearing of the same.

Witnesses will be examined orally before the Commissioners, unless testimony be taken by deposition as provided by Rule XIII of these rules, or facts agreed upon as provided for in Rule XI of these rules.

The petitioner must in all cases prove the existence of the facts alleged in his petition, unless the railroad complained of admit the same or shall fail to answer the petition.

Matters and things alleged in the answer must also be proved by the party making the same unless admitted by the petitioner.

In case of failure to answer the Commissioners will take such proof of the charges as may be deemed necessary and proper, and make such order thereon as the circumstances of the case appear to require.

RULE XIII.

SUBPŒNAS—DEPOSITIONS.] Subpœnas requiring the attendance of witnesses will be issued by the secretary of the Commissioners of Railroads in all cases and proceedings before the Commissioners, and witnesses will be required to obey the subpœnas served upon them requiring their attendance or the production of any books, papers, tariffs, contracts, agreements or documents relating to any matter under investigation or pending before the Commissioners.

When a subpoena is desired for the production of books, papers or other documentary evidence, special application must be made to the Commissioners therefor, specifying the documentary evidence desired.

When a cause is at issue, on petition and answer, each party may proceed at once to take depositions of witnesses in the manner provided for by Sections 5283 to 5301 of the Compiled Laws of the State of North Dakota, and when taken transmit the same to the secretary of the Commissioners of Railroads without making any application to, or obtaining any authority from the Commissioners of Railroads for that purpose.

RULE XIV.

PROPOSED FINDINGS OF FACT.] Upon the final submission of a case or proceeding to the Commissioners, either party may submit proposed findings of fact for the consideration of the Commissioners, which findings must embrace only the material facts of the case supposed to be established by the testimony.

RULE XV.

APPLICATION FOR A REHEARING.] Application for a rehearing may be made by either party, at any time within ten days after a decision shall have been filed and made public, in any case decided by the Commissioners.

Such application must be by petition, and must state clearly the findings of fact or conclusions of law supposed to be erroneous.

If the application be to give further testimony, the nature of the additional testimony must be briefly stated, and it must not be merely cumulative.

The petition must be verified in the same manner as the complaint, and a copy thereof, with a notice of the time and place of the application must be served upon the opposite party five days before the time named for the application to be heard.

RULE XVI.

PRINTING OF PLEADINGS.] For convenience in reading and filing, it is recommended that when practicable, petitions, answers and depositions be printed or put in typewriting, and that when in typewriting, or ordinary writing, only one page of the paper be used.

RULE XVII.

COPIES.] Copies of any petition, complaint, or answer in any case or proceeding before the Commissioners, or of any order, decision or opinion by the Commissioners, and also of testimony, when practicable, and desired for use in the case, will be furnished without charge upon application to the secretary by any person or company, party to the case or proceeding.

RULE XVIII.

ADDRESS OF THE COMMISSIONERS OF RAILROADS.] All complaints, petitions, or applications concerning anything done, or omitted to be done by any railroad company, and all petitions, answers or applications relative to any pending case or proceeding, and all letters or telegrams relating in any manner to either of these matters must be addressed to the Commissioners of Railroads of the State of North Dakota, Bismarck, N. D.

RULE XIX.

APPLIES TO ELEVATOR COMPANIES AND PUBLIC WAREHOUSEMEN, AS WELL AS TO RAILROAD COMPANIES AND INDIVIDUALS.] The foregoing rules will be made to apply to elevator companies and public warehousemen, and all parties interested in cases or proceedings pending before the Commissioners of Railroads, as well as to railroad companies and individuals.

The foregoing rules are hereby approved and adopted, at Merchants Hotel, Wahpeton, North Dakota, this 13th day of October, 1891.

GEO. H. WALSH,
Chairman.
ANDREW SLOTTEN,
GEO. W. HARMON,
Commissioners.

Attest:

M. J. EDGERLEY,
Secretary.

Board adjourned to meet at the call of the Chairman.

M. J. EDGERLEY,
Secretary.

L A W S

RELATING TO

RAILROADS, WAREHOUSES, ELEVATORS,
TRANSPORTATION,
GRAIN GRADING AND DEALING, ETC.

LAWS RELATING GENERALLY TO RAILROADS.

[COMPILED LAWS, DAKOTA, 1887.]

SEC. 2311. It shall be unlawful for any person or persons, railroad company or other corporation, or any association of persons to bring into this territory any Texas or Cherokee cattle, except between the first day of November of each year and first day of February following; *Provided*, that the right to bring into this territory any such cattle shall in no case be any defense for any injury sustained by anyone by reason of the bringing of such cattle into this territory.

SEC. 2312. It shall be unlawful for any person or persons, railroad company or other corporation, or association of persons whatever within this territory to own or have in possession or control any Texas or Cherokee cattle at any time, which may have been brought into this territory at any time except between the first day of November of each year and the first day of February following.

SEC. 2313. Any person or persons who shall bring into this territory, or cause to be brought therein, any Texas or Cherokee cattle, except at the time permitted in Section 2311, or who shall own, possess or control any such cattle, except as allowed in Section 2312, shall be guilty of a misdemeanor, and shall be liable to indictment and conviction, fine and imprisonment, and shall be fined upon conviction in any sum not exceeding ten thousand dollars nor less than two hundred dollars, and in addition to such fine may be imprisoned, in the discretion of the court. Any such person may in the first instance be brought before any justice of the peace and be held to bail to appear before the district court in the county or subdivision where such justice of the peace shall reside, to answer to any charge as may be preferred against him; and any railroad conductor or servant, agent or officer of any railroad who shall bring any such cattle into this territory upon any railroad or vessel connecting with such railroad, or carry any such cattle upon any railroad or vessel connecting therewith from one point to another within this territory, shall be deemed to have possession of such cattle within the meaning of this section.

SEC. 2314. Any and all fines which may be collected under Section 2313 shall be paid into the county treasury and be subject to the order of the board of county commissioners for the purpose of being divided pro rata among the persons who may have suf-

ferred loss or damage on account of any such cattle being brought into or being within this territory, upon proof of loss or injury, in such manner as said board shall direct; but if no proof of such loss or injury shall be made to such board of county commissioners within one year after the collection of any such fine, then it shall be the duty of such board to order the said county treasurer to credit such fine or fines to the general county fund.

SEC. 2315. Whenever in any case any damage or loss shall or may be occasioned to any person or persons, resulting in any manner from any such Texas or Cherokee cattle having been brought into this territory at any time by any person or persons, railroad company or any other corporation or association of persons, then such persons so bringing into, or owning, possessing or controlling such cattle in this territory shall be liable jointly or severally to any person or persons who may suffer loss or damage by reason of such bringing or conveying into, possessing, owning or controlling within the territory any such cattle; and in any action for the recovery of damages or compensation for any loss or damage which may be sustained by any person or persons from any such cattle, it shall be sufficient for the plaintiff or plaintiffs to show that the injury of which he or they may complain arose from any such Texas or Cherokee cattle which may have been owned or had in possession or brought into the territory at any time within the year by any such defendant, or that such cattle so brought in, owned or possessed had been where such loss or damage had been sustained. And it shall not be necessary for the plaintiff to show that the injury of which he may complain accrued while any such Texas or Cherokee cattle were in the possession or ownership or control of any such defendant or defendants, it being the intention of this section to make all persons or corporations liable to injured persons in the first instance for any injury which may arise from disease-spreading or communicating from such Texas or Cherokee cattle so brought into or owned, possessed or controlled by them in this territory.

SEC. 2316. The right to bring into this territory Texas or Cherokee cattle between the first day of November of each year and the first day of February following, shall in no case be any defense for any loss or damage that may accrue from such cattle to any person; nor shall any right to own, possess or control any such cattle in any case be any defense for any injury or loss which may arise to any person by reason of such right to own, possess or control such cattle. In all actions or prosecutions for any loss or injury which may arise or accrue to any person or persons by reason of any injury or loss done or caused to be done to any native or domestic cattle, from or by any such Texas or Cherokee cattle, the proof of the loss of any native or domestic cattle or any damage thereto, and the amount of such loss or damage, and proof that any such defendant or defendants brought into this territory

or owned, possessed or controlled in this territory at any time any such Texas or Cherokee cattle which may have caused such injury or loss, shall prima facie entitle the plaintiff or plaintiffs to recover. And it shall be competent for any jury to render a verdict and any court or justice of the peace to render a judgment in any such case upon the opinion of witnesses as to whether or not any such Texas or Cherokee cattle caused the injury complained of in such action.

SEC. 2317. In case any such Texas or Cherokee cattle shall be found spreading or communicating any disease among the native domestic cattle of this territory, it shall be the duty of any judge of the district court or justice of the peace, upon oath of any householder setting forth that such Texas or Cherokee cattle are spreading or communicating disease among native or domestic cattle within this territory, and the name of the owner or party in whose possession or control such Texas or Cherokee cattle may be, to forthwith issue a warrant to any sheriff or constable of the county or township, commanding him forthwith to arrest and imprison in some safe place such cattle so spreading or communicating disease, and to summon the owner thereof or the person or persons found in the possession of such Texas or Cherokee cattle to appear forthwith before such judge or justice of the peace and show cause why such Texas or Cherokee cattle shall not be impounded until the 1st day of November following, and after allowing the prosecuting witness and any such defendant named in such warrant reasonable time to be heard, the said judge or justice of the peace shall proceed to hear and determine whether such Texas or Cherokee cattle have so spread or communicated disease; it shall be the duty of such judge or justice of the peace to order the officer in charge of such Texas or Cherokee cattle to impound them and keep them to themselves until after the 1st day of November following, when it shall be the duty of the officer in charge of such cattle so impounded to present to the owner or person entitled to the possession of such cattle a sworn statement of the costs of taking and keeping and impounding such cattle, including the cost of building the pound and providing materials for the same in case the board of county commissioners or township supervisors where such cattle were impounded had ordered the pound to be built for the purpose of impounding such cattle, and demand payment of the same together with the costs of such trial aforesaid; and upon payment of the same he shall deliver such cattle to the owner or person entitled to the possession thereof.

SEC. 2318. Texas or Cherokee cattle as mentioned in this act shall be taken to mean a class or kind of cattle without reference to where they may have come from; *Provided*, that that portion of this territory west of the Missouri river is exempted from the provisions of this act; but the right to bring into, own, possess or

control such cattle in such exempted territory shall give no right to send, convey or cause to be sent or conveyed such cattle into that part of the territory subject to the provisions of this act, or own or possess the same therein, except that such cattle may be shipped or conveyed by themselves across said river to an enclosure upon the left bank thereof upon the line of any railroad crossing this territory, and may be conveyed from such enclosure across and without this territory by continuous passage in cars upon said railroad.

SEC. 2319. The object of this act is hereby declared to be for the purpose of preventing the spread of pestilence and disease among native and domestic cattle of this territory east and north of the Missouri river, which arises and is communicated from that class of cattle described in this act as Texas and Cherokee cattle, and to protect the native and domestic cattle of this territory from destruction from the poison, disease or sickness which it is believed is communicated from such Texas or Cherokee cattle.

SEC. 2900 Private corporations can be formed by the voluntary association of three or more persons, upon complying with the provisions of this chapter, for the following purposes, namely: mining, manufacturing and other industrial pursuits, the construction or operation of railroads, wagon roads, irrigating ditches; for colleges, seminaries, churches, libraries, benevolent, charitable and scientific associations; for conducting the business of insurance, banks of discount and deposit (but not of issue), and for loan, trust and guarantee associations; *Provided, however*, that no insurance company shall be incorporated under the provisions of this act except by the voluntary association of seven or more persons.

SUBDIVISION 3 OF SEC. 2932. The meetings of the stockholders and board of directors of a corporation must be held at its office or principal place of business; *Provided*, that the meetings of the boards of directors of railway corporations having one or more directors resident in this territory, or having duly appointed an agent resident in this territory upon whom service may be made, may be held at any place mentioned in the notice convening said board of directors, either within or without the territory.

SEC. 2972. Any number of persons, not less than five, may form a corporation for the purpose of constructing, maintaining, and operating a railroad for the transportation of freight and passengers, or for the purpose of maintaining and operating any railroad already constructed for the like purpose, by making articles of organization in which shall be stated:

1. NAME. The name of the corporation.
2. TERMINI. The place from and to which such railroad is to be constructed, or maintained and operated, as the case may be.

3. **LENGTH AND ROUTE.** The estimated length of such railroad and the name of each county in this territory through or into which it is made or intended to be made.

4. **STOCK.** The amount of the capital stock of the corporation, the number of shares of which it shall consist, and if such stock shall consist of common and preferred stock, the number and amount of each class.

5. **DIRECTORS AND THEIR DUTY.** The names and residences of the directors of the corporation, who shall manage its affairs for the first year, and until others are chosen in their places, and who shall be not less than five nor more than thirteen in number; and each such person shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in such corporation. There shall be annexed to such articles an affidavit of at least three of the directors therein named, that the signatures thereto are genuine, and that it is intended in good faith to construct or maintain and operate the railroad therein mentioned; and thereupon said articles and affidavits shall be filed in the office of the secretary of the territory, who shall endorse thereon the date of their filing and record the same. After each filing, a patent under the seal of the territory, signed by the governor and secretary of the territory, shall be issued in substantially the following form:

To all to Whom These Presents Shall Come, Greeting:

Whereas, (naming the person subscribing the articles of organization) have filed in the office of the secretary of the territory certain articles of organization, with a view of forming a corporation to be known as (here insert the name) and with a capital of (here insert the amount) for the purpose of constructing, maintaining and operating or maintaining and operating a railroad from.....to....., and having complied with the provisions of the statutes in such cases made and provided; therefore the Territory of Dakota hereby grants unto the above named persons and their associates, successors and assigns, full authority by and under the said name of.....to exercise the powers and privileges of a corporation for the purpose above stated and in accordance with their said articles of organization and the laws of this territory.

In Witness Whereof, These presents have been attested with the great seal and sign and countersigned by the governor and secretary of the Territory of Dakota at.....the.....day of.....in the year one thousand eight hundred and.....

.....Governor,.....Secretary of Territory.

Upon the issue of such patent, the subscribers to such articles, and all persons who shall thereafter become stockholders in such corporation, shall be a corporation by the name specified in such articles, and shall possess all the powers and privileges, and be subject to all the provisions of the law regulating railroad corporations and the provisions of this chapter applicable thereto.

SEC. 2973. When such patent is issued the directors may, in case the whole of the capital stock shall not have been before subscribed, open books of subscription to fill up the capital stock, at

such place and after giving such notice as they may deem expedient, and may from time to time receive subscriptions until the capital stock is subscribed.

SEC. 2974. There shall be a board of not less than five nor more than thirteen directors of every such corporation, to manage its affairs, who shall be elected at such time, in such manner, and for such terms, as shall be prescribed by its by-laws, and shall hold their offices until their respective successors shall be chosen. In the election of directors each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock owned by him for thirty days next preceding such election. Vacancies shall be filled in the manner prescribed by the by-laws. Inspectors of the first elections of directors shall be appointed by the board of directors named in the articles of organization, and thereafter as provided by the by-laws. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own name, or as trustee or personal representative, and qualified to vote at the election at which he shall be chosen; and at every election of directors the books and papers of such corporation shall be exhibited to the meeting if a majority of the stockholders present shall require it. If, for any reason, the election of directors shall not have been held at the time fixed therefor by law, the same may be held at any time thereafter on a notice of twenty days. Such election may be called by a majority of the directors, or by the stockholders holding a majority of the stock; but at any meeting at which all the stockholders shall be present or be represented by attorney or proxy, it shall be lawful to waive notice, and proceed to an election of directors.

SEC. 2975. The directors shall appoint one of their number president; they also may appoint a vice president, secretary and treasurer, and such other officers and agents as shall be prescribed by the by-laws of such corporation.

SEC. 2976. The directors may require any amounts unpaid upon the capital stock to be paid in such manner and in such installments as they may deem proper. If any stockholders shall neglect to pay any installment as required by a resolution of the board, and the board shall have caused a notice in writing to be served on him personally, or by depositing the same in the post-office, postage paid, properly directed to him at the postoffice nearest his usual place of residence, at least sixty days previous to the day on which said payment is required to be made, stating that he is required to make such payment at the time and place in such notice specified, and that if he fails so to do his stock and all previous payments thereon will be forfeited for the use of the corporation, such board may declare such stock and previous payments forfeited, and they shall be forfeited accordingly, to the use of the corporation, or such board may in any case enforce payment by action at law.

SEC. 2977. The stock of every such corporation shall be deemed personal estate, and shall be transferable in the manner prescribed in its by-laws, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

SEC. 2978. The capital stock of any such corporation may be increased to such amount as may by its stockholders be deemed necessary for the construction or operation of its road, by a vote of the owners of at least two-thirds of all its stock, in person or by proxy, at any annual meeting, or at any meeting called by its directors for that purpose, by a notice in writing to each stockholder, or to be served on him personally, or by depositing the same in the post office, postage paid, properly directed to him at the post office, if known, nearest his usual place of residence, at least twenty days prior to such meeting. Such notice shall state the time and place of such meeting, its object, and the amount to which it is proposed to increase such capital stock. No vote in favor of such increase shall take effect until the proceedings of such meeting, showing the names of all the stockholders voting therefor, and the amount of stock owned by each, shall be entered upon the records of such corporation.

SEC. 2979. No person holding stock in any such corporation as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such corporation, for any calls or installments on any partpaid stock thereof; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner, and to the same extent as the testator or intestate, ward or person interested would have been if he had been living, or competent to act, and held the same stock in his own name.

SEC. 2980. Every corporation formed under this article, and every railroad corporation authorized to construct, operate or maintain a railroad within this territory shall be a body corporate by the name designated in its articles, shall have perpetual succession, shall have the right to sue and be sued, may have a common seal and alter the same at pleasure, and shall also have power:

1. To MAKE SURVEYS. To cause such examination and surveys for its proposed railroad to be made, as may be necessary to the selection of the most advantageous route, and for such purpose by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto.

2. To HOLD REAL ESTATE. To take and hold such voluntary grants of real estate and other property as may be made to it, to aid in the construction, maintenance and accommodation of its

railroad; but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

3. **SAME.** To acquire under the provisions of this article or by purchase, all such real estate and other property as may be necessary for the construction, maintenance and operation of its railroad and the stations, depot grounds, and other accommodations reasonably necessary to accomplish the object of its incorporation; to hold and use the same, to lease or otherwise dispose of any part or parcel thereof, or sell the same when not required for railroad uses and no longer necessary to its use.

4. **TO LAY OUT ROAD, ETC.** To lay out its road not exceeding 100 feet in width, and to construct the same; and for the purpose of cuttings and embankments and of obtaining gravel or other material, to take as much land as may be necessary for the proper construction, operation and security of the road, and for the protection of such road from snow, and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided by law for lands taken for the use of the corporation.

5. **CONSTRUCTION OF ROAD.** Subject to the provisions of Section 2989, to construct its railroad across, along or upon any stream of water, watercourse, street, highway, toll or wagon road, plank road, turnpike, wharf, levee, river front, steamboat or other public landing, or canal, which its route shall intersect or touch; to carry any highway, street, toll or wagon road, plank road or turnpike which it shall touch, intersect or cross, over or under its track, as may be most expedient for the public good; to change the course or direction of any highway, street, turnpike, toll or wagon road, or plank road, when made necessary or desirable to secure more easy ascent or descent by reason of any embankment or cut made in the construction of the railroad, and take land necessary therefor; *Provided*, such highway or road be not so changed from its original course more than six rods, nor its distance thereby lengthened more than five rods..

6. **TO CONNECT WITH OTHER ROAD.** To cross, intersect, join and unite its railroad with any railroad heretofore or hereafter constructed, at any point on its route and upon the grounds of such railroad corporation, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections. And every corporation whose railroad is or shall be hereafter intersected by any new railroad shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the ascertainment and determination of damages for the taking of real property. But no corporation

which shall have obtained the right of way and constructed its road at the point of intersection, before the application for the appointment of commissioners may be made, shall be required to alter the grade or change the location of its road, or be required to bear any part of the expense of making and maintaining such crossing.

7. **DEPOT GROUNDS, ETC.** To have and use equal room, ground, rights, privileges and conveniences for tracks, switches, sidings and turnouts upon any levee, river bank or front, steamboat or other public landing, and upon any street, block, alley, square or public ground within any incorporated town or city, any charter or ordinance of any such city or town to the contrary notwithstanding; and to accomplish this, may adjust, with other corporations, the ground to be occupied by each with such tracks, switches, sidings and turnouts; and if such corporations cannot agree upon such adjustment, and the amount of compensation to be paid for the purchase or necessary change of location and removal of any track previously laid, the same shall be ascertained and determined, and the common, mutual and separate rights adjusted in the manner provided by law for the ascertainment and determination of damages for the taking of real property. The commissioners provided by law may employ a competent engineer, and define, locate and plat the ground, and assign to each corporation the part for the tracks and other conveniences for each, and may require the removal or purchase of tracks previously laid, so as to justly settle the rights of each corporation upon such ground, and assess the damages to be paid under the law providing for taking real property.

8. **TO CARRY PERSONS AND PROPERTY.** To take and convey persons or property over their railroad by the power or force of steam or of animals, or by any mechanical power, and to receive compensation therefor; and to do all the business incident to railroad corporations.

9. **TO ERECT BUILDINGS.** To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freight and business, subject to the statutes in relation thereto.

10. **TO ESTABLISH TIME TABLES.** To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor.

SEC. 2981. To borrow from time to time such sums of money at such rates of interest and upon such terms as the corporation or board of directors shall agree upon and authorize as necessary or expedient, and to execute trust deeds or mortgages, or both, as occasion may require, on any railroads or parts thereof, constructed or in process of construction, for amounts borrowed or owing by the corporation, and therein to make provision granting, transferring, or mortgaging their railroad track, right

of way, depot grounds, rights, privileges, franchises, immunities, exemptions, machine houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with such railroads in any manner whatever, then belonging to the corporation or which may thereafter belong to it, as security for any bonds or evidence of debt therein mentioned, in such manner as the corporation or directors shall think proper, and such instruments shall fully convey the same or so much thereof as shall be therein described. In case of sale by virtue of any such trust deed, or upon foreclosure of any such mortgage, the persons acquiring title under such sale and their associates, successors and assigns, or such corporation as they shall organize according to Section 2972, with all the powers conferred upon corporations by this act, shall thereafter have, exercise and enjoy all such described grants, which were purchased at such sale, including all rights, privileges, grants, franchises, immunities and advantages mentioned in such instruments which were possessed by such corporation making the same or contracting such debts, so far as the same relate or appertain to that portion or line of road granted or mortgaged and purchased at such sale and no further, as fully and absolutely in all respects as such corporation, its shareholders, officers and agents might have done if such sale had not taken place. And whenever the person so acquiring title under any such sale shall own or represent a majority in amount of the bonds or other evidences of debt secured by any such trust deed or mortgage, and shall also include the persons who owned at the time of the sale a majority in amount of the capital stock of such mortgagor corporation, such purchasers and such corporation as they shall organize as aforesaid, shall also have, possess and enjoy any exemption, privilege or immunity previously granted by any law to such former corporation relating to any of the property so acquired, to the same extent as if such latter corporation had been named in such law as the grantee thereof.

SEC. 2982. In all cases where railroad equipment and rolling stock may have been or shall be sold to any person, firm or corporation, to be paid for in whole or in part in installments, or shall be leased, rented, hired or delivered, on condition that the same may be used by the person, firm or corporation purchasing, leasing, renting, hiring or receiving the same, and that the title to the same shall remain in the vendor, lessor, renter, hirer or deliverer of the same until the agreed upon price of or rent for such property shall have been fully paid, such condition in regard to the title so remaining in the vendor, lessor, renter, hirer or deliverer until such payments are fully made, shall be valid for all intents and purposes as to subsequent purchasers in good faith and creditors; *Provided*, the term during which the installments or rent are to be paid shall not exceed ten years, and such contract shall be in writing and acknowledged.

SEC. 2983. Such contract shall be recorded in the office of the secretary of the territory and in the county in which is located the principal office or place of business of such vendee or lessee, and on each locomotive or car that may have been or may be so sold or leased, the name of the vendor or lessor or assignee of the vendor or lessor shall be marked, followed by the word "owner" or "lessor," as the case may be.

SEC. 2984. Any railroad corporation may, under the provisions of this article, extend its road from any point named in its charter or articles of organization, or may build branch roads either from any point on its line of road or from any point on the line of any other road connecting or to be connected with its road, the use of which other road between such points and the connection with its own road such corporations shall have secured by lease or agreement for a term of not less than ten years from its date. Before making such extension, or building any such branch road, such corporation shall, by resolution of its directors, to be entered in the record of its proceedings, designate the route of such proposed extension or branch in the manner provided in Section 2972, and file a copy of such record, certified by the president and secretary, in the office of the secretary of the territory, and cause the same to be recorded as provided in said Section 2972. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive aid thereto which it would have had if it had been authorized in its charter or articles of organization. But this section shall not be construed to authorize any railroad corporations to consolidate with each other.

SEC. 2985. The board of directors of every railroad corporation may, by a vote of two-thirds of the whole number, at any time alter the route or any portion of the route of their road, or any extension or branch thereof, or part of their road, or any extension or branch as constructed, if it shall appear to them that the line can be improved thereby; but no railroad shall be so diverted from any county, town, city or village which in its corporate capacity shall have extended aid to such road, either while in the hands of the then present owner or any former person or corporation; and no such alteration shall be made in any city or village after the road shall have been constructed therein, unless the same shall have been sanctioned by a vote of two-thirds of the legal voters of such county, town, city or village, the council of such city, or the trustees of such village. Before making any such alteration the board of directors shall designate the route thereof by resolution, to be entered in its records, filed and recorded in the office of the secretary of the territory, as provided in the preceding section; thereupon it shall have the same rights and privileges to build such road as altered as if it were the original line.

SEC. 2986. Any railroad corporation may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the territory, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches, upon such terms as may be agreed upon, and become one corporation, by any name selected; which, within this territory, shall possess all the powers, franchises, and immunities, including the right of further consolidation with other corporations under this section, and be subject to all the liabilities and restrictions of this article; and such in addition as such corporations peculiarly possess, or were subject to, at the time of consolidation by the laws then in force, applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of the stock in person, or by proxy, at a regular annual meeting thereof, or a special meeting, called for that purpose, in the manner prescribed in Section 2978, or by the consent in writing of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent, and accompanied by lists of their stockholders and the number of shares held by each, duly certified by the respective presidents and secretaries, with the respective corporate seals of such corporations affixed, shall be filed for record in the office of the secretary of the territory, before any such consolidation shall have any validity or effect. Any railroad corporation whose line is wholly or in part within this territory, whether chartered by or organized under the laws of this territory, or of any other state or territory, or of the United States, may lease or purchase and operate the whole or any part of the railroad of any other railroad corporation, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto when such railroads can be lawfully connected and operated together, so as to constitute a continuous main or branch line. And all such purchases or leases heretofore made or entered into, are for all intents and purposes hereby ratified and confirmed; *Provided*, that in no cases shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated at the par value thereof, nor shall any bonds or other evidences of debt be issued as a consideration for or in connection with such consolidation.

SEC. 2987. Any railroad corporation may change its corporate name and adopt any other by resolution adopted by the stockholders owning a majority of all the stock thereof, at either a regular annual meeting or a special meeting called for that purpose, in the manner prescribed in Section 2978. Such changes shall not take effect until a copy of such resolution and of the record of its adoption, certified by the secretary under his hand

and the corporate seal, shall be filed with the secretary of the territory. A like certified copy of such resolutions shall be published for three successive weeks thereafter in any newspaper of general circulation published at the seat of government of the territory. Every proceeding, act, liability, or thing done, undertaken or encouraged by or on behalf of the corporation under its former name, shall be and continue of the same validity and obligation under such new name as if the name had remained unchanged.

SEC. 2988. Every corporation constructing, owning, or using a railroad shall restore every stream of water, water course, street, highway, plank road, toll or wagon road, turnpike, or canal, across, along, or upon which said railroad may be constructed, to its former state, or to such condition as that its usefulness shall not be materially impaired, and thereafter maintain the same in such condition against any effects in any manner produced by such railroad. When any lands shall be required in order to change any highway, street, turnpike, or plank road, toll or wagon road, the same may be condemned, taken, and compensation made in the manner provided by law; and when taken shall become a part of such highway, street, turnpike, or plank road, toll or wagon road, to the same extent as, and by the same tenure by which the adjacent parts thereof are held.

SEC. 2989. When it shall be necessary in the construction of a railroad to erect a bridge or culvert over any highway, street, turnpike or plank road, toll or wagon road, it shall be sufficient to construct the same so as to give a clear passage way of twenty feet, or two passage ways of fourteen feet each.

SEC. 2990. All rolling stock of any railroad corporation organized under the provisions of this act, used and employed in connection with its railroad, and all fuel necessary to the operation of the same, are declared and shall be held to be fixtures; and all such property, and all additional rights of way, depot grounds and other real property, acquired subsequently to the execution of any trust deed or mortgage which shall have been described or provided for therein, shall be subject to the lien thereof to the same extent as the property therein described, which the corporation owned at the time of its execution.

SEC. 2991. Every conveyance or lease, deed of trust, mortgage, or satisfaction thereof, made by any railroad corporation, of any franchises, real estate, fixtures, or other real property, in pursuance of law, shall be executed and acknowledged in the manner in which conveyances of real estate by corporations are required to be, to entitle the same to be recorded, and shall be recorded in the office of the secretary of the territory, who shall indorse thereon his certificate thereof, specifying the day and hour of its reception, and the volume and page where recorded, which shall be evidence of such facts. Every such record of any

instrument shall from the time of reception have the same effect as to any property in this territory described therein, as the record of any similar instrument in the office of a register of deeds, may have by law as to property in his county, and shall be notice of the rights and interests of the grantee, lessee, or mortgagee by such instrument to the same extent as if it were recorded in each and all of the several counties in which any property therein described may be situated.

SEC. 2992. The board of directors of any railroad corporation may annually or oftener, as may be deemed expedient, set apart and appropriate a sum of money not exceeding 50 per cent. of its net earnings as resources for any one year, after paying the current expenses of their road, and the interest on its outstanding indebtedness, in order to sink, redeem, pay off, cancel, or discharge the indebtedness of such corporation; and the said sums so set apart shall be annually applied to the payment and discharge of such debts of such corporation as shall be due, and to the purchase and redemption of the outstanding evidences of indebtedness of such corporation, as the board of directors thereof shall deem most for the interest of such corporation, and for no other purpose.

SEC. 2993. No railroad corporation shall be allowed to make the defense of usury against the holder of any bond or other obligation for the payment of money issued by such corporation.

SEC. 2994. Any railroad corporation may, by a vote of a majority in amount of the stockholders present or represented at any annual meeting, classify its directors into three classes, each of which shall be composed, as nearly as may be, of one-third of the directors; the term of office of the first class to expire in one year, of the second in two years, and of the third in three years. At each annual election thereafter a number of directors shall be elected for three years equal to the number whose term of office shall then expire; all other vacancies to be filled in accordance with the by-laws.

SEC. 2995. Every railroad corporation shall make an annual report to the stockholders of its operations during the year ending on the 31st day of December, which report shall be verified by the affidavit of the secretary, treasurer, and superintendent of the corporation, and shall state:

1. **LENGTH OF ROAD, ETC.** The length of the road in operation; the length of single track; the length of double track; the weight of the rail per yard.

2. **CAPITAL STOCK.** The capital stock actually subscribed and the amount paid thereon.

3. **WHOLE COST OF ROAD.** The whole cost of road, showing the amount expended for the right of way, bridging, grading, iron and buildings respectively, and for all other purposes incidental to the construction of such road.

4. **INDEBTEDNESS.** The amount and nature of its indebtedness, distinguishing the first, second and third mortgage bonds, and the unsecured indebtedness, and the amount due the corporation.

5. **AMOUNT RECEIVED.** The amount received for the transportation of passengers, property and mails, for interest, and from other sources respectively.

6. **AMOUNT OF FREIGHT.** The amount of freight, specifying the quantity in tons or other usual mode of measurement.

7. **AMOUNT PAID OUT.** The amount paid for the repairs of the road, buildings, engines and cars respectively; for fuel, taxes and interest, specifying the indebtedness on which the same is paid; for wages of employees; the aggregate amount paid for salaries of officers, and for any other purpose incidental to the business of transportation so as to give a complete statement of the entire annual expense of the corporation.

8. **AMOUNT OF LOSS.** The amount of loss to the corporation paid for loss and damage to freight and injury to person and property.

9. **DIVIDENDS.** The number and amount of dividends and when made, and in what manner such dividends have been paid.

10. **AMOUNT SINKING FUND.** The amount appropriated to sinking fund, and the manner in which the same has been applied, and the total amount then held by such sinking fund.

11. **PERSONS KILLED.** The number of persons killed or injured, the cause thereof, and whether passengers or persons employed by the corporation.

12. **MANNER OF ACCIDENTS.** Whether any such accidents have arisen from carelessness or negligence of any person in the employ of the corporation, and whether such person is retained in the service of such corporation. The secretary of each railroad corporation shall mail to every stockholder thereof, whose post-office address is known, a copy of its annual report, and shall file a certified copy thereof with the secretary of the territory on or before the first day of February in each year.

SEC. 2996. Every railroad corporation incorporated under this act, and any railroad corporation authorized to construct, operate or maintain a railroad within this territory, has power and is authorized to enter upon any land for the purpose of examining and surveying its railroad, and to take, hold and appropriate so much real estate as may be necessary for the location, construction and convenient use of its road, including all necessary grounds for buildings, stations, workshops, depots, machine shops, switches, sidetracks, turntables, snow defenses and water stations; all materials for the construction of such road and its appurtenances, and the right of way over adjacent land sufficient to enable such corporation to construct and repair its road and the right to conduct water to its water stations, and to construct and maintain

proper drains, and may obtain the right to such real estate by purchase or condemnation in the manner provided by the law.

SEC. 2997. Any railroad corporation chartered by or organized under the laws of the United States, or of any state or territory whose constructed railroad shall reach or intersect the boundary line of this territory at any point, may extend its railroad into this territory from any such point or points to any place or places within the territory, and may build branches from any point on such extension. Before making such extension or building any such branch road, such corporation shall, by resolution of its directors, to be entered in the record of its proceedings, designate the route of such proposed extension or branch in the manner provided in Section 2972, and file a copy of such record, certified by the president and secretary, in the office of the secretary of the territory, and cause the same to be recorded as provided in said Section 2972, thereupon such corporation shall have all the rights and privileges to make such extension or build such branch, and receive such aid thereto as it would have had had it been authorized so to do by articles of association duly filed in accordance with the provisions of this act.

SEC. 2998. [All the provisions of Chapter 3 of title 2 of part 3 of division second of the civil code, so far as the same relate to railroad corporations, that are in conflict with the provisions of this act, and all the provisions of said chapter imposing additional restrictions, limitations, duties and liabilities upon the stockholders or officers of railroad corporations, than are imposed by the provisions of this act, are hereby repealed, except Sections 474 to 485 inclusive, of article 9 of said chapter, which sections shall be operative and binding upon every railroad corporation operating a railroad in this territory, as well as those organized under the provisions of this act; and except Section 450 to 459 inclusive, of said chapter, which shall be and remain in force, except as modified by the provisions of this act.]

[The references in the above section are to the law as printed in the revised codes of 1877, and the sections are contained in this compilation between 2999 and 3021, except as amended or repealed by subsequent legislation.]

SEC. 2999. Any railroad corporation may purchase and use real property for a price to be agreed upon with the owners thereof; or the damages to be paid by such corporation for any real property taken as aforesaid, when not agreed upon, shall be ascertained and determined by commissioners to be appointed by the judge of the district court of the county or judicial subdivision wherein such real estate is situated, in conformity with the provisions of this article.

SEC. 3000. If the owner of any real property over which said railroad corporation may desire to locate its road shall refuse to grant the right of way through and over his premises, the district judge of the county or subdivision in which said real prop-

erty may be situated, as provided in this article, shall, upon the application or petition of either party, and after ten days' notice to the opposite party either by personal service or by leaving a copy thereof at his usual place of residence, or in case of his non-residence in the territory by such publication in a newspaper as the judge may order, direct the sheriff of said county to summon three disinterested freeholders of said county or subdivision (or if there be none such then of the territory), as commissioners, who shall be selected by said judge, and who must not be interested in a like question. The commissioners shall be duly sworn to perform their duties impartially and justly; and they shall inspect said real property and consider the injury which such owner may sustain by reason of such railroad; and they shall assess the damages which said owner will sustain by such appropriation of his land; and they shall forthwith make report thereof in writing to the clerk of the said court, setting forth the quantity, boundaries and value of the property taken, or amount of injury done to the property which they assess to the owner; which report must be filed and recorded by the clerk, and a certified copy thereof may be transmitted to the register of deeds of the county or subdivision where the land lies, to be by him filed and recorded (without further acknowledgment or proof), in the same manner and with like force and effect as is provided for the record of deeds. And if said corporation shall, at any time before it enters upon said real property for the purpose of constructing said road, pay to said clerk for the use of said owner the sum so assessed and reported to him as aforesaid, it shall thereby be authorized to construct and maintain its road over and across said premises; *Provided*, that if the corporation shall need or require for the purpose of constructing said railroad, to take and occupy any real property in any unorganized county, or in other unorganized country where there is no district court established, then the judge of the district court of the nearest organized county or subdivision (wherein such court is established), upon the line of said road, shall appoint commissioners to assess said damages; and he and they shall perform all other duties required of district judges and commissioners by the terms of this article, and either party shall have the right to appeal as in other cases herein provided; and *provided, further*, that the report of the commissioners may be reviewed by the district court on written exceptions filed by either party in the clerk's office within sixty days after the filing of such report; and the court shall take such order therein as right and justice may require, either by confirming, modifying or rejecting the same, or by ordering a new appraisement on good cause shown; or either party may within thirty days after the filing of such report file with the clerk a written demand for a trial by a jury; in which case the amount of damages shall be assessed by a jury, and the trial shall be conducted and judgment entered on

the verdict in the same manner as civil actions in the district court. If the party demanding such trial does not recover a verdict more favorable to him than the assessment of the commissioners, he shall not recover costs in the district court; and all the costs in the district court may be taxed against him; and *provided, further*, that either party may appeal from the decision of the district court to the supreme court, and the money so deposited shall remain in the hands of the clerk, as aforesaid, until a final decision be had and subject thereto. But such review or appeal shall not delay the prosecution of the work on said railroad over the premises in question, if such corporation shall first have paid or deposited with said clerk the amount so assessed by said commissioners; and in no case shall said corporation be liable for the costs on such review or appeal, unless the owner of such real property shall be adjudged entitled, upon either review or appeal, to a greater amount of damages than was awarded by said commissioners. The corporation shall in all cases pay the costs and expenses of the first assessment. And in case of review or appeal, the final decision may be transmitted by the clerk of the proper court, duly certified, to the proper register of deeds, to be by him filed and recorded as hereinbefore provided for the recording of the report, and with like effect.

SEC. 3001. Freeholders so appointed shall be the commissioners to assess all the damages to the owners of real property in said county or subdivision; and said corporation may, at any time after their appointment, upon the refusal of any owner or guardian of of any owner of lands in said county or subdivision to grant the right of way as aforesaid, by giving said owner or guardian ten days notice thereof in the manner prescribed in the preceding section, have the damages assessed in the manner hereinbefore prescribed. In case of the death, absence, or refusal or neglect of any of said freeholders to act as commissioners as aforesaid, the sheriff shall, upon the selection of the district judge, summon other freeholders to complete the panel, and said commissioners shall receive \$3 per day each for their services, and the same shall be taxed in the bill of costs.

SEC. 3002. Whenever any railroad corporation shall take any real property as aforesaid, of any minor, any person insane or otherwise incompetent, or of any married woman whose husband is under guardianship, the guardian of such minor, insane or incompetent person, or such married woman with the guardian of her husband, may agree and settle with said corporation for all damages or claims by reason of the taking of such real property, and may give valid releases and discharges therefor upon the approval thereof by the judge of the probate court.

SEC. 3003. If upon the location of said railroad it shall be found to run through the real property of any non-resident owner who is unknown to the corporation, or who has not been by it

informed thereof, and has neither granted nor refused to grant the right of way through and over his said premises, the said corporation may give four weeks notice to such owner, if known, and if not known, by a description of such real property by publication four consecutive weeks in some newspaper published in the county or subdivision where such real property may lie, if there be any, and if not, in one nearest thereto on the line of their said road, that said railroad has been located through and over his lands; and if said owner do not, within thirty days thereafter, apply to the district judge to have the damages assessed, in the mode prescribed in this article, said corporation may proceed to have the damages assessed as hereinbefore provided, subject to the same right of review and appeal, as in case of resident owners, and upon payment of damages assessed to the clerk of the district court, the corporation shall acquire all the rights and privileges mentioned in this article.

SEC. 3004. Any railroad corporation is authorized to pass over, occupy and enjoy all the public lands, to the extent and in the manner prescribed by the act of Congress, approved March 3, 1875; *Provided*, that the damages accruing to any occupant or possessory claimant or other person who may reside on or have improvements upon said public land, shall be determined and paid by said railroad corporation as provided in this article for owners of private lands.

SEC. 3005. Whenever any railroad corporation shall find it necessary, for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the grade or location of any portion of its road, such railroad corporation shall be and is hereby authorized to make such changes of grade and location, not departing from its general route. And for the purpose of making any such change in the location and grades of any such road as aforesaid, such corporation shall have all the rights, powers and privileges to enter upon and appropriate such real property and make surveys necessary to effect such changes and grades, upon the same terms, and subject to the same obligations, rules and regulations as are prescribed by law; and shall also be liable in damages when any may have been caused by such change to the owner of real property upon which such road was heretofore constructed, to be ascertained and paid, or deposited as herein provided; but no damages shall be allowed unless claimed within ninety days after actual notice in writing of such intended change shall be given to such owner residing on the premises, or, if non-resident, notice by such publication in some newspaper in general circulation, as the district judge may order.

SEC. 3006. If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way or ground of any kind, or any part thereof, it shall be compe-

tent for the municipal or other corporation or public officer or public authorities owning or having charge thereof, and the railroad corporation, to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgement of the directors of such railroad corporation, to use or occupy such road, street, alley, or other public way or ground, such corporation may appropriate so much of the same as may be necessary for the purposes of such road, in the same manner and upon the same terms as is provided in this article for the appropriation of the property of individuals.

SEC. 3007. Every such railroad corporation shall start and run its cars, for the transportation of persons or property, at regular times to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall within a reasonable time previous thereto offer, or be offered, for transportation at the place of starting, or at the junction of other railroads, and at siding and stopping places established for receiving and discharging way passengers and freight, and shall take, transport and discharge passengers and property at, from and to such places, on the due payment of tolls, freight, or fare therefor.

SEC. 3008. In case of the refusal by such corporation or its agents to take or transport any passenger or property as provided in the preceding section; or in case of the neglect or refusal of such corporation or its agents to discharge or deliver passengers or property at the regularly appointed place, under the laws which regulate common carriers, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby with costs of action.

SEC. 3009. In case any passenger on any railroad shall be injured while on the platform of a car while in motion, or in any baggage, wood or freight car, in violation of the printed regulations of the corporation posted up at the time in a conspicuous place inside of its passenger cars then in the train, such corporation shall not be liable for the injury; *Provided*, it had furnished room inside its passenger cars sufficient for the accommodation of its passengers.

SEC. 3010. When fare is taken by any railroad corporation for transporting passengers on any mixed train of passenger and freight cars, or on any baggage, wood, gravel or freight car, the same care must be taken and the same responsibility and duties are assumed by the corporation as for passengers on passenger cars.

SEC. 3011. Any railroad corporation may raise or lower any turnpike, plank road, or other way, for the purpose of having its railroad pass over or under the same; and in such cases said cor-

poration shall put such turnpike, plank road or other way, as soon as may be, in good repair.

SEC. 3012. Every railroad corporation, while employed in raising or lowering any turnpike or other way, or in making any other alteration, by means of which the said way may be obstructed, shall provide and keep in good order suitable temporary ways to enable travelers to avoid or pass such obstructions.

SEC. 3013. Every railroad corporation shall maintain and keep in good repair all bridges, with their abutments, which such corporation shall construct for the purpose of enabling its road to pass over or under any turnpike road, canal, water course, or other way.

SEC. 3014. Every railroad corporation operating a line of road within this territory must erect suitable signs of caution at each crossing of its road with a public highway, which signs shall be painted with black Roman or block letters, on white background, "railroad crossing; look out for the cars;" said letters to be at least eight inches in length and proportionately broad; said sign shall be placed at the top of posts at least fifteen feet high.

SEC. 3015. In case any railroad corporation shall refuse or neglect, for a space of thirty days after notice given by the board of county commissioners, to comply with the provisions of the preceding section, it shall become the duty of the county commissioners of each county through which any such railroad shall be in operation, to erect such signs, and the company shall be liable for all expenses so incurred by said commissioners.

SEC. 3016. A bell at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty rods from the place where the said railroad shall cross any other road or street, and be kept ringing or whistling until it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning the railroad, one-half thereof to go to the informer, and the other half to this territory, and also be liable for all damages which shall be sustained by any person by reason of such neglect.

SEC. 3017. When any person owns land on both sides of any railroad, the corporation owning such railroad shall, when required so to do, make and keep in good repair one causeway or other safe and adequate means of crossing the same.

SEC. 3018. Whenever the owner of any tract of land abutting against any line of railroad within this territory shall desire to inclose any such tract of land for pasturage or other purposes, and shall construct a good and sufficient fence about said tract of land on all sides except along the side abutting against such railroad, it shall be the duty of such railroad company to construct a good and sufficient fence not less than four and one-half feet high on the side of such tract or lot so far as the same extends along

the line of such railroad, and to maintain the same in good repair and condition until released therefrom by the owner of said tract, or until the owner of said tract shall have ceased to maintain in good repair and condition for the term of one year his portion of the fence around such inclosure.

SEC. 3019. Whenever the owner of any tract of land shall have completed his portion of the fence about such proposed inclosure, he shall give written notice of its completion to the railroad company upon whose line said tract is situated, by personal service upon the agent of said company at the station nearest to the proposed inclosure, describing in said notice the situation of said tract and the number of acres to be inclosed, as near as may be, and the length of the fence required along the line of such railroad to complete the proposed inclosure; and it shall be the duty of the railroad company to construct and complete its portion of such fence within sixty days after the service of such notice.

SEC. 3020. If any railroad company shall neglect or refuse to comply with any of the requirements of this act, it shall be lawful for the owner of such tract to construct or repair the fence along the line of such railroad, and the railroad company shall be liable to the owner thereof, to an amount not exceeding one dollar and twenty-five cents per rod, to be recovered in a civil action; and such railroad company shall be liable for all damages accruing by reason of such neglect or refusal.

SEC. 3021. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars in the manner prescribed in Section 3897.

SEC. 3022. Any person having an established place of business in any village, town or city within this territory, shall have the right to buy, sell and exchange passage tickets or other evidences of a right of passage from one place to another upon any railroad line or steamboat line and their connections that said tickets may have been regularly issued over and for.

SEC. 3023. Any person purchasing a ticket from the authorized office of any line for the transportation of passengers shall have the right to sell his ticket or tickets to any person doing business under this act; *Provided*, that nothing in this act shall be construed to prevent any incorporated village, town or city to regulate this business by any law deemed necessary for the protection of the public.

RAILWAY POLICE.

SEC. 3024. Railway companies organized under the laws of this territory, or doing business within the territory, are hereby authorized and empowered, at their own expense, to appoint and employ policemen at such stations or other places on the lines of their railroads within this territory, as said companies may deem

necessary for the protection of their property, and the preservation of order on their premises, and in and about their cars, depots, depot grounds, yards, buildings or other structures; and said policemen shall have power and authority to arrest, with or without warrant, any person or persons who shall commit any offense against the laws of this territory, or the ordinances of any town, city, village or municipality, when such offense shall have been committed upon the premises of said companies, or in and about their cars, depots, depot grounds, yards, buildings or other structures; and shall also have the authority of sheriffs, constables and peace officers in regard to the arrest and apprehension of any such offenders, in or about the premises or appurtenances aforesaid; but in case of the arrest by said policemen of any person without warrant, they shall forthwith take such offender before some justice of the peace or other magistrate having jurisdiction, and make complaint against said offender according to law. Nothing in this act contained shall be construed as restricting the lawful rights, powers or privileges of any sheriff, constable, policeman or peace officer within their respective jurisdiction, and for the official acts of such policeman or policemen the railroad company making such appointment shall be held responsible to the same extent as for the acts of any of its general agents or employees.

SEC. 5471. Every railway owner, company, or contractor, and sub-contractor upon any railway, shall be deemed to have the notice provided for by the preceding section for a period of sixty days from the last day of the month in which such labor was done, or material furnished, during which period any person who has performed such labor or furnished such material, may file a lien with the clerk of the district court as provided in the preceding section, which lien shall be binding upon the erection, excavation, embankment, bridge, roadbed, or right of way, and upon all land upon which the same may be situated, to the full value of such labor or material, in the county or judicial subdivision in which the same is filed. In case the lien is sought to be enforced against the owner, the liability shall not be greater than his liability would have been to the owner at the time the labor was performed or material furnished; but the liability of the owner in case actual notice shall be given after the sixty days shall be the same as provided in this chapter.

SEC. 5498. If the life of any person not in the employment of the railroad corporation, shall be lost, in this territory, by the reason of the negligence or carelessness of the proprietor or proprietors of any railroad, or by the unfitness, or negligence, or carelessness of their employes or agents, the personal representatives of the person whose life is so lost may institute suit and recover damages in the same manner that the person might have done for any injury where death did not ensue.

SEC. 5499. If the life of any person or persons is lost or destroyed by the neglect, carelessness, or unskillfulness of another person or persons, company or companies, corporation or corporations, their or his agents, servants or employes, then the widow, heir or personal representatives of the deceased shall have the right to sue such person or persons, company or companies, corporation or corporations, and recover damages for the loss or destruction of the life aforesaid.

SEC. 5500. All railroad corporations in this territory shall pay full damages to the owner or owners of horses and other stock and cattle that they may negligently or carelessly kill or damage by their cars, locomotives, agents or employes, along said railroad or its branches within the Territory of Dakota.

SEC. 5501. The killing or damaging of any horses, cattle or other stock, by the cars or locomotive along said railroad or branches, shall be prima facie evidence of carelessness and negligence of said corporation.

SEC. 5502. Whenever any horses, cattle, or stock may be killed or crippled by any train of cars or locomotives upon any railway within this territory, it shall be lawful for the owner of the horses, stock or cattle so killed or crippled, after first giving a station agent of the corporation to which said railway shall belong, written notice of his intention to apply to a justice of the peace within the county in which said stock may have been killed or crippled, to appoint appraisers to affix a value upon the horses, cattle or stock so killed or crippled, and said justice of the peace shall appoint three discreet and disinterested citizens of the county a board of appraisers, who, after having been duly sworn shall examine the horses, cattle or stock so killed or crippled, and affix a value upon the same if killed, or assess the damages to the same if crippled, and return to said justice of the peace a written report describing the horses, cattle or stock, stating whether they were killed or crippled, and also setting out the valuation of assessment of damage made by them; which report said justice shall preserve as a part of the records of his office.

SEC. 5503. In case the corporation shall fail, for the space of sixty days, to pay to the owner of the horses, cattle or stock so killed or crippled, the full amount assessed by said board of appraisers, and one-half the costs attending the assessment, the owner shall have the right to institute an action, in any court in the county of competent jurisdiction, on the original cause of action; and if, upon the trial of this action, the owner recovers a verdict, it shall be the duty of the court to render judgment in the owner's favor, for the amount of said verdict and all costs incurred subsequent to the killing or crippling, but if the owner fails to recover a verdict, the costs of the action shall be taxed against him.

SEC. 5504. The justice of the peace and the three appraisers shall receive for their services under this act, each, the sum of \$1, to be paid equally by the railroad corporation and owner or owners of the horses, cattle or stock killed or crippled.

SEC. 6665. Every person who, while in charge as engineer of a locomotive engine, or while acting as conductor or driver upon a railroad train or car, whether propelled by steam or drawn by horses, is intoxicated, is guilty of a misdemeanor.

SEC. 6666. Every engineer, conductor, brakeman, switch-tender, or other officer, agent or servant of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent, or servant, by which human life or safety is endangered, the punishment for which is not otherwise prescribed, is guilty of a misdemeanor.

SEC. 6873. Every person who maliciously, either:

1. Removes, displaces, injures or destroys any part of any railroad, whether for steam or horse cars, or any track of any railroad, or of any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house or other structure or fixture, on any part thereof, attached to or connected with any railroad; or,

2. Places any obstruction upon the rails or track of any railroad, or any branch, branchway, or turnout connected with any railroad, is punishable by imprisonment in the territorial prison not exceeding four years, or in a county jail not less than six months.

SEC. 6874. Whenever any offense specified in the last section results in the death of any human being, the offender is punishable by imprisonment in the territorial prison for not less than four years.

CHAPTER CVI.

[SESSION LAWS, 1889.]

AN ACT Giving Police Powers to Conductors of Railway Trains Carrying Passengers.

SECTION 1. POLICE POWERS.] The conductors of all railway trains carrying passengers, while on duty in this territory are invested with police powers of a sheriff.

SEC. 2. DELIVER TO NEAREST JUSTICE.] When an arrest is made by any such conductor, he must take the defendant before the nearest or most accessible magistrate of the county in which the offense is triable, or cause the same to be done, and he shall receive no fees or compensation therefor.

SEC. 3. EFFECT WHEN.] This act shall have force and effect from and after its passage and approval.

Approved March 5, 1889.

CHAPTER CX.

AN ACT to amend an act entitled "An Act to Provide for the Establishment of a Board of Railroad Commissioners, Defining Their Duties, to Regulate the Receiving and Transportation of Freight on Railroads in this Territory, Passed at the Sixteenth Legislative Assembly of the Territory of Dakota." Approved March 6, 1885.

AMENDMENT OF ACT OF 1885.] That Chapter 126 of the General Laws of the Territory of Dakota, passed at the Sixteenth Legislative Assembly of the Territory of Dakota, and approved March 6, 1885, being "an act to provide for the establishment of a Board of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this territory," be and the same is hereby amended to read as follows:

SECTION 1. APPOINTMENT OF COMMISSION.] The governor, with the advice and consent of the council, shall biennially appoint three competent persons, who shall constitute a Board of Railroad Commissioners, and who shall hold their office for the term of two years from the 1st of April next after such appointment. The governor shall, by appointment, fill any vacancy caused by death, removal or resignation, said Commissioners shall hold their office until their successors are duly appointed and qualified. Said Commissioners shall be selected, so nearly as practicable, one from the southern, one from the central, and one from the northern part of the territory.

SEC. 2. WHO DISQUALIFIED.] No person shall be qualified to hold the office of Railroad Commissioner who is the owner of bonds or stocks in any railroad company, or who is in the employment of, or in any manner pecuniarily interested in any railroad or in any railroad corporation, public warehouse or elevator.

SEC. 3. POWERS.] Said Commissioners shall have general supervision of all railroads in this territory, and all freight and passenger transportation and traffic thereon, or connected therewith, and shall inquire into any neglect or violation of the laws of the territory by any railroad company, its officers, agents or employees, doing business therein, and shall from time to time carefully examine and inspect the condition of each railroad in the territory, and all railway stations and passenger and freight depots and buildings, and the conduct and management of such railroads, with reference to the safety and convenience of the public and the carrying into effect the provisions of this act.

SEC. 4. FREE PASSAGE. Such Commissioners and their secretary shall have the right of passing, in the discharge of their official duties on all railroads and passenger railroad trains in the territory, free of charge.

SEC. 5. RAILROADS REQUIRED TO SHIP WITHOUT DISCRIMINATION.] Any railroad company doing business in this territory, when requested by any person wishing to ship grain on its

road shall receive and transport such grain in bulk, and permit the same to be loaded either on its track adjacent to its depot, or at any warehouse or sidetrack, at any station, without discrimination or distinction as to the manner or condition in which such grain is offered for transportation, or as to the person, corporation, warehouse, elevator or place where or to which it may be consigned, and shall receive the same, in carload lots, from wagons, sleighs or other vehicles, on their sidetracks at any station, the same as when offered from warehouses, elevators, allowing a reasonable time for loading them, and for the purpose of loading the same shall place the cars in convenient places, easy access by wagon or sleighs or other vehicles, and shall after the same have been loaded, whether at sidetrack, elevator, warehouse or depot, without unnecessary delay, proceed to ship the same to the place where the same is consigned.

SEC. 6. TRACK FROM ELEVATOR TO RAILROAD.] It shall be lawful for the owner or owners of any elevator, warehouse or mill at any station on the line, or at the termination of any railroad in this territory, to construct from such elevator, warehouse or mill, a railroad track to the track of any railroad company, and to connect with the same by switch at his or their own expense, and it shall be the duty of any such railroad company to allow such connection. Such sidetrack and switch shall at all times be under the control and management of and kept in repair by such railroad company; *Provided*, that the party for whose benefit such sidetrack and switch shall be constructed, shall pay to such railroad company the actual cost of maintaining such sidetrack and switch, which payment shall be made monthly, and in case such payment shall not be made as provided, then and in that case the obligations of this section upon said railroad companies shall from and thereafter cease and be inoperative as against them until such costs and expenses are fully paid.

SEC. 7. DIVISION OF CARS.] When any railroad company doing business in this territory shall be unable for any reasonable cause to furnish cars at any railway station or sidetrack in accordance with the demands made by all persons demanding cars at such station or sidetrack for the shipment of a carload lot or lots of freight, such cars as are furnished shall be divided daily as equally among the applicants until each shall have received one car, when the balance shall be divided ratably to each shipper in proportion to the amount of daily receipts of grain or other freight, or to the amount of grain offered at such station or sidetrack; *Provided*, that every application made in good faith on an earlier day shall be filled before supplying any car to any applicant of a succeeding day.

SEC. 8. SHORT AND LONG HAUL TARIFFS.] It shall be unlawful for any railroad company doing business in this territory to

charge or receive any greater compensation for the transportation of passengers of like kind or class, or quantity of property under substantially similar circumstances or conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included in the longer distance, but this shall not be construed as authorizing any railroad company to charge or receive as great compensation for the shorter as for the longer distance, and no such railroad company shall charge, demand or receive from any person, company or corporation for the transportation of passengers or property a greater sum than it shall at the same [time] demand, charge or receive from any other person, company or corporation for a like service from the same place; it shall be unlawful for any such railroad company, directly or indirectly, by any special rate, rebate, drawback or other device, to charge, collect or receive from any person, company or corporation, a greater or less compensation for any service rendered, or to be rendered, in the transportation of persons or property than it charges, demands, collects or receives from any other person, company or corporation for doing for him or them a like or contemporaneous service in the transportation of like kind of traffic under substantially similar circumstances and conditions.

SEC. 9. CHARGES LIMITED.] No railroad company shall charge, demand or receive from any person, company or corporation an unreasonable price for transportation of property or for the hauling or storage of freights, or for the use of its cars or for any privilege or service afforded by it in the transaction of its business as a railroad company, and shall not demand the payment of freight beyond the point to which the goods or property is consigned by the shipper.

SEC. 10. POOLING DECLARED UNLAWFUL.] It shall be unlawful for any railroad company, subject to the provisions of this act, to enter into any contract, agreement or combination with any other railroad company or companies, for the division or pooling business of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof, and in case of an agreement for the pooling of their business as aforesaid, each day of its continuance shall be a separate offense.

SEC. 11. TRANSFERS AT CROSSINGS OR INTERSECTIONS.] And in all cases where any line of railroad shall cross or intersect any other line of railroad in this territory, it shall be the duty of the railroad companies owning or operating such crossing or intersecting railroad lines, within sixty (60) days after being required by the order of the Railroad Commissioners unto them delivered, to provide at such crossing or intersection suitable and sufficient facilities for transferring cars, and for accommodating [and] transferring passengers and traffic of all kinds or classes from one such

line of railroad to the other, and to afford equal and reasonable facilities for the interchange of cars and traffic between their respective lines; *Provided, however*, that no depot building or station house shall be required where, or within one mile of which, there shall not then be a village or settlement containing at least one hundred inhabitants and a postoffice. The cost of constructing, maintaining and operating all facilities and structures required by this section, or by any such order, shall be borne equally between the railroad companies owning or operating such intersecting line.

SEC. 12. TIME TO REMOVE PROPERTY FROM CARS.] Any consignee or person entitled to receive the delivery of any freight shipped to him in carload lots, by any railroad company, shall have twenty-four hours free of expense after notice of arrival by the company to the consignee or person entitled to receive the same, in which to remove the same from the cars of such railroad company, which said twenty-four hours shall be held to embrace such time as the car containing such property is placed and kept by such railroad company in a convenient and proper place for unloading, and it shall not be held to be in a proper place for unloading unless it can be reached with teams or other suitable means for removing the property from the cars, and reasonably convenient to the depot of the company at which it is accustomed to receive and unload merchandise consigned to that station or place.

SEC. 13. SCHEDULES OF RATES REQUIRED.] Every railroad company subject to the provisions of this act, shall within sixty days after this act shall take effect, print and keep for public inspection, schedules showing the classifications, rates, fares and charges for the transportation of passengers and property of all kinds and classes, which such company has established, and which are in force at the time upon its railroad. The schedule shall plainly state the place upon its railroad, between which passengers and property will be carried, and shall contain classifications of freight in force upon the lines of such railroads, a distance tariff, and a table of intersection distances, and shall also state separately the terminal charges, and any rules or regulations which in any wise change, affect or determine any part of the aggregate of such rates aforesaid, fares and charges. Such schedules shall be printed in large type, and copies for the use of the public shall be kept in every depot or station upon any such railroad in such place and in such form that they can be conveniently inspected. And in cases where passengers or freight pass over lines or roads operated by more than one railroad company, and the several companies operating such railway lines establish joint schedules of rates, fares, charges or classification for such lines or roads, such rates, fares, charges or classifications shall be printed and kept in each station of such

railroad lines or routes, the same as though such lines were owned or operated by a single railroad.

SEC. 14. CHANGES IN RATES TO BE PUBLISHED.] No change in the classification shall be made in the rates, fares or charges which have been established and published as aforesaid, by any railroad company in compliance with the requirements of Section 15, except after ten days' publication by posting in stations, which notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the change schedule shall go into effect, and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. And when any railroad company shall have established and published its classifications, rates, fares or charges in compliance herewith, it shall be unlawful for such company to charge, demand, collect or receive from any person, company or corporation a greater or less compensation for the transportation of persons or property or for any service in connection therewith, than is specified in such published schedule or classification, rates fares or charges, as may at the time be in force.

SEC. 15. DUTIES OF COMMISSIONERS TO ENFORCE ACT—COMPLAINTS.] It shall be the duty of any Railroad Commissioners to personally investigate and ascertain whether the provisions of this act are violated by any railroad company, and to visit the various lines of each railroad for that purpose, as often as practicable, and whenever the facts, in any manner ascertained by said Commissioners, whether by personal investigation or by petition or complaint of any citizen of the territory, shall in their judgment warrant such prosecution, it shall be the duty of said Commissioners to immediately cause suit to be commenced and prosecuted against any railroad company who may violate the provisions of this act.

Any injured person, firm, corporation or association, or any mercantile, agricultural or any manufacturing society, or any body politic or municipal corporation or organization, may make complaint to such Railroad Commissioners of the violation of any of the provisions of this act by any railroad company, and if it appears upon investigation of the charges contained in said complaint that there is any reason to believe that said railroad company has violated any of the provisions of this act and thereby injured the complainant, it shall be the duty of said Commissioners to institute action against such offending railroad company.

SEC. 16. SUITS AND PROSECUTIONS.] All such suits and prosecutions may be instituted in any county in this territory through or into which the line of the railroad company violating the act may extend, and no such suit commenced by said Railroad Commissioners shall be dismissed except by the consent of the said Commissioners and the Attorney General.

SEC. 17. ATTORNEY GENERAL'S DUTY.] The Attorney General of the Territory of Dakota shall be ex-officio attorney for said Railroad Commissioners, and shall give them such counsel and advice as they may from time to time require, and it shall be his duty to institute and prosecute all actions which said Commissioners may deem proper, and he shall render to such Railroad Commissioners all counsel, advice and assistance which they may require in carrying out the provisions of this act or any law of this territory.

And the said Attorney General may, if he sees fit, call upon the district attorney of the county in which an action is pending and prosecuted by the said Attorney General as herein provided, to assist in such county in the prosecution of said action therein, and when so called upon it shall be the duty of said district attorney to render proper and necessary assistance in the prosecution thereof.

SEC. 18. PROSECUTED IN NAME OF TERRITORY.] Said actions shall be prosecuted in the name of the Territory of Dakota, and the trial thereof be conducted in all respects the same as prosecutions in civil actions, except that the verdict of the jury shall be "guilty" or "not guilty," and except further, that several distinct and separate causes of action may be prosecuted in the same action under separate counts, and a separate verdict may be required upon each count.

SEC. 19. COSTS AND EXPENSES PAID BY TERRITORY.] All costs and expenses connected with the trial of actions prosecuted in the name of the Territory of Dakota under the provisions of this act shall be paid and defrayed by the Territory of Dakota, and all fines collected hereunder shall be paid into the treasury of said territory.

An itemized statement of the cost and expenses of each action shall be made by the said Attorney General, and when duly verified by him and approved by the trial judge, shall be presented to the territorial auditor, who shall make and deliver to each person entitled thereto a warrant upon the treasurer of the territory for the amount due him as per the said statement, which shall be paid as other warrants.

SEC. 20. PENALTY ON RAILROAD CORPORATION—SEPERATE OFFENSES.] Any railroad company found guilty of violating any of the provisions of this act shall be fined in a sum not less than \$1,000 nor more than \$10,000, to which shall be added the costs of action, and each day's refusal or neglect of any railroad company, to do or perform any act required by this act to be done, and each day's commission of any act or thing prohibited by this act shall be taken to be a separate offense, and such railroad company may be prosecuted and convicted for each day's offense separately, and the conviction thereof shall not be a bar to the prosecution and conviction of the same on any other day.

SEC. 21. FINE NOT A BAR TO INDIVIDUAL ACTION.] Such conviction or fine, or the payment of any fine, shall not operate as or be a bar to the prosecution of such railroad company by any person, company or corporation sustaining damage by reason of the violation of any of the provisions of this act, but in addition thereto any person, company or corporation suffering or sustaining any damage by reason of such violation by any railroad company may maintain an action in his or their own name and behalf against such company, and in case of a recovery the court shall assess treble damage against such offending railroad company in favor of the party suffering such damage or injury.

SEC. 22. SUBJECT TO SUIT IN EQUITY.] In addition to the foregoing actions, such railroad companies shall be subject to all actions in equity or chancery now cognizable in the courts of this territory upon a proper showing.

SEC. 23. ANNUAL REPORT OF COMMISSIONERS.] The said Railroad Commissioners shall on or before the first Monday of December, of each year, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the workings of the system of railroad transportation in this territory and its relation to the general business and prosperity of the citizens of this territory, and such suggestions and recommendations in respect thereto as may to them seem appropriate. Said report shall also contain as to every railroad company doing business in this territory:

First. The amount of its capital stock.

Second. The amount of its preferred, if any, and the amount of its preferment.

Third. The amount of its funded debt and the rate of interest.

Fourth. The amount of its floating debt.

Fifth. The cash and present value of its road and equipment in this territory, including permanent way, buildings and rolling stock, all real estate used exclusively in operating the road, and fixtures and conveniences for transacting its business.

Sixth. The estimated cash value of all property owned by such railroad company in this territory with a schedule of the same, not including lands granted in aid of its construction.

Seventh. The number of acres situated in this territory originally granted in aid of the construction of its road by the United States or by this territory.

Eighth. Number of acres of said land remaining unsold.

Ninth. A list of the officers and directors with their respective places of residence.

Tenth. Such statistics of the road and of the transportation and business for the year within this territory as may in the judgement of the Commissioners be necessary and proper for the information of the Legislative Assembly, or as may be required by the governor; such report shall exhibit and refer to the condi-

tion of the railroad company on the first day of July of such year, and the details of its transportation business transacted during the year ending June 30.

Eleventh. The average amount or tonnage that can be carried over each road within the territory with one engine of given power.

SEC. 24. RAILROAD CORPORATIONS' RETURNS.] To enable such Commissioners to make such report, the president or managing officer of each railroad company doing business in this territory shall annually make to the said Commissioners on the 15th day of the month of September such returns in the form which they may prescribe as will afford the information required for their said official report. Such official returns shall be verified by the oath of the officer making them and any railroad corporation, when returns shall not be made as herein prescribed by the 15th day of September, shall be liable to the penalty prescribed in this act.

SEC. 25. MAJORITY VOTE DECIDES.] All questions arising in the action of the said Railroad Commissioners shall be decided and determined by a majority vote.

SEC. 26. "RAILROAD COMPANY" DEFINED.] The term "railroad company," contained in this act, shall be deemed and taken to mean all corporations, companies or individuals now owning or operating, or which may hereafter own or operate any railroad in whole or in part in this territory, and the provisions of this act shall apply to all persons, firms and corporations, and all associations and persons, whether incorporated or otherwise, that shall do business as common carriers upon any of the lines of railroads in this territory, except street railways, the same as to "railroad companies" hereinbefore mentioned.

SEC. 27. OFFICE AT WILL OF COMMISSIONERS.] The said Commissioners shall hold their office at such place as they shall determine. They shall each receive a salary of \$2,000, to be paid as the salaries of the other territorial officers are paid and shall be provided, at the expense of the territory, with necessary office furniture and stationery, and they shall have authority to appoint a secretary, who shall receive a salary of \$1,500 per annum.

SEC. 28. EFFECT WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1889.

CONSTITUTIONAL PROVISIONS.

SEC. 82. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the Legislative Assembly, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Insurance, three Commissioners of Railroads, an Attorney General and one Com-

missioner of Agriculture and Labor, who shall have attained the age of twenty-five years, shall be a citizen of the United States, and shall have the qualifications of State electors. They shall severally hold their office at the seat of government, for the term of two years and until their successors are elected and duly qualified, but no person shall be eligible to the office of treasurer for more than two consecutive terms.

SEC. 131. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such municipal, charitable, educational, penal or reformatory corporations as may be under the control of the State; but the Legislative Assembly shall provide by general laws for the organization of all corporations hereafter to be created, and any such law, so passed, shall be subject to future repeal or alteration.

SEC. 132. All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time this constitution takes effect, shall thereafter have no validity.

SEC. 133. The Legislative Assembly shall not remit the forfeiture of the charter to any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 134. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislative Assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of this State shall never be abridged, or so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 135. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 136. No foreign corporation shall do business in this State without having one or more places of business and an authorized agent or agents in the same, upon whom process may be served.

SEC. 137. No corporation shall engage in any business other than that expressly authorized in its charter.

SEC. 138. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the

persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 139. No law shall be passed by the Legislative Assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having control of the street or highway proposed to be occupied for such purposes.

SEC. 140. Every railroad corporation organized and doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in the State for the transaction of its business, where transfers of its stock shall be made and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom, and the transfers of said stock; the amount of its assets and liabilities and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the Legislative Assembly shall pass laws enforcing by suitable penalties the provisions of this section; *Provided*, the provisions of this section shall not be so construed as to apply to foreign corporations.

SEC. 141. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

SEC. 142. Railways heretofore constructed, or that may hereafter be constructed, in this State are hereby declared public highways, and all railroad, sleeping car, telegraph, telephone, and transportation companies of passengers, intelligence and freight, are declared to be common carriers and subject to legislative control; and the Legislative Assembly shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers, intelligence and freight, as such common carriers, from one point to another in this State; *Provided*, that appeal may be had to the courts of this State from the rates so fixed; but the rates fixed by the Legislative Assembly or Board of Railroad Commissioners shall remain in full force pending the decision of the courts.

SEC. 143. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with the railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other; and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 144. The term "corporation," as used in this article, shall not be understood as embracing municipalities or political subdivisions of the State unless otherwise expressly stated, but it shall be held and construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 146. Any combination between individuals, corporations, associations, or either having for its object or effect the controlling of the price of any product of the soil or any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and hereby declared unlawful and against public policy; and any and all franchises heretofore granted or extended, or that may hereafter be granted or extended in this State, whenever the owner or owners thereof violate this article shall be deemed annulled and become void.

SEC. 185. Neither the State nor any county, city, township, town, school district or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the State engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

REGULATING SHIPMENT OF LIVE STOCK.

[Chapter 123, Session Laws 1890.]

An Act to Facilitate the Shipment of Live Stock, Grain and Other Commodities.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Every railroad company or corporation doing business in this State, shall within sixty days after this act shall go into effect, upon notice from the Commissioners of Railroads, build, erect and complete one or more platforms for the transfer of live stock, grain and other commodities from wagons or otherwise to cars at each and every station designated in said notice; said platform to be erected where there will be safety to life and property.

SEC. 2. Each platform shall be not less than twelve feet wide and thirty-two feet long, extending two feet and eight inches above the rails of the track, with suitable approaches to and from said platform to admit the driving of loaded teams thereon.

SEC. 3. Every railroad company or corporation neglecting or refusing to comply with the requirements of this act after having been properly notified, shall be deemed guilty of a misdemeanor, and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

SEC. 4. Every Commissioner of Railroads who shall fail to notify such railroad company after receiving a petition signed by ten taxpayers residents of the place or its vicinity where such platform is to be erected, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) for each offense; *Provided*, said Commissioner of Railroads shall, upon examination, deem such platform or platforms necessary.

SEC. 5. The Commissioners of Railroads shall have power to order an enlargement of such platforms whenever petitioned to that effect, and whenever the capacity of such platforms is in their judgment clearly insufficient for the accommodation of the public.

SEC. 6. Every railroad company shall allow suitable scales to be erected, either upon the platform or upon the grounds adjacent thereto, if upon their right of way, for weighing and shipping purposes.

SEC. 7. Whereas, an emergency exists, in that the platform provided for in this bill will be needed before July; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 17, 1890.

DEFINING DUTY OF RAILROAD COMMISSIONERS.

[Chapter 122, Session Laws 1890.]

An Act Entitled "An Act to Regulate Common Carriers, and Defining the Duties of the Commissioners of Railroads in Relation Thereto, in the State of North Dakota."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. (a) That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management or arrangement for a carriage or shipment from one place or station to another, both being within the State of North Dakota; *Provided*, that nothing in this act shall apply to street railways or to the carriage, storage or handling by any common

carrier of property free or at reduced rates for the United States or for the State of North Dakota, or for any municipal government or corporation within the State, or for any charitable purpose, or to or from fairs and expositions for exhibition thereat (or stock for breeding purposes), or to the issuance of mileage, excursion or commutation passenger tickets, at rates made equal to all, or to transportation to stock shippers with cars, and nothing in the provisions of this act shall be construed to prevent common carriers, subject to the provisions of this act, from issuing passes for the free transportation of passengers or to ministers of religion, sisters of charity or to missionaries or to students of any college or university or other institutions of learning of this State, or to children attending any of the educational or charitable institutions of the State, subject to the provisions of this act.

(b) The term "railroad" as used in this act shall include all bridges or ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

SEC. 2 (a) That all charges made by any common carrier, subject to the provisions of this act, for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage or handling of such property shall be equal and reasonable; and every unequal and unreasonable charge for such service is prohibited and declared to be unlawful; *Provided*, that one carload of freight of any kind or class shall be transported at as low a rate per ton, and per ton per mile, as any greater number of carloads of the same kind and class from and to the same points of origination or destination.

(b) It shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any unequal or unreasonable preference or advantage to any particular person, company, firm, corporation or locality or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic to any unequal or unreasonable prejudice or disadvantage in any respect whatsoever.

SEC. 3. (a) That all common carriers, subject to the provisions of this act, shall, according to their respective powers, provide, at the point of connection, crossing or intersection, ample facilities for transferring cars and for accommodating and transferring passengers and traffic of all kinds and classes, from their lines or tracks, to those of any other common carrier whose lines or tracks may connect with, cross or intersect their own, and shall afford all equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiv-

ing, forwarding and delivering of passengers and property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates and charges between such connecting lines, or for freight coming over such lines; but this act shall not be construed as requiring any common carrier to use for another common carrier its tracks, equipments or terminal facilities without reasonable compensation.

(b) That it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time or schedule, or by carriage in different cars, or by any other means or devices, the carriage of freight from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage or interruption made by such common carrier shall prevent the carriage of freight from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

(c) Every common carrier operating a railway in this State shall, without unreasonable delay, furnish, start and run cars for the transportation of persons and property, which, within a reasonable time theretofore, is offered for transportation at any of its stations on its line of road and at the junctions of other railroads, and at such stopping places as may be established for receiving and discharging passengers and freights; and shall take, receive, transport and discharge such passengers and property at, from and to such stations, junctions and places, on and from all trains advertised to stop at the same, for passengers and freights, respectively, upon the due payment, or tender of payment, of tolls, freight or fare therefor, if such payment is demanded. Every such common carrier shall permit connections to be made and maintained in a reasonable manner with its sidetracks to and from any warehouse, elevator or manufactory without reference to its size or capacity; *Provided*, that this shall not be construed so as to require any common carrier to construct or furnish any sidetrack off from its own land; *Provided, further*, that where stations are fifteen miles apart or more, the common carrier, when required to do so by the Commissioners of Railroads, shall construct and maintain a sidetrack for the use of shippers between such stations.

(d) Whenever any property is received by any common carrier subject to the provisions of this act, to be transported from one place to another within this State, it shall be unlawful for such common carrier to limit in any way, except as stated in its classification schedule, hereinafter provided for, its common law

liability with reference to such property while in its custody as a common carrier (as hereinbefore mentioned), such liability must include the absolute responsibility of the common carrier for the acts of its agents in relation to such property.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act, to enter into any contract, agreement, or combination with any other common carrier or carriers for the division or pooling of business of different or competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of an agreement for the pooling of their business aforesaid each day of its continuance shall be deemed a separate offense.

SEC. 5. That if any common carrier, subject to the provisions of this act, shall, directly or indirectly, by any special rate, rebate, drawback, or other device charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this act, than it charges, demands, collects or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of passengers or property, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 6. That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation for the transportation of passengers or of like kind or class and quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, subject to the provisions of this act, to charge or receive as great compensation for a shorter as for a longer distance; *Provided, however,* that upon application to the Commissioners of Railroads, such common carrier may, in special cases, after investigation by the said Commissioners, be authorized to charge less for longer than for shorter distances, for the transportation of passengers or property; and the Commissioners may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 7. (a) That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation, per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line, in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed as authorizing any com-

mon carrier, subject to the provisions of this act, to charge as high a rate per ton per mile for a longer as for a shorter distance.

(b) The Railroad Commissioners shall on or before August 1st of each year adopt a system of uniform rules, which they may change from time to time as found necessary, governing the distribution of cars to be loaded, among applicants at stations and sidetracks on all railroads in this State, and they shall serve a copy of such rules upon all railroad superintendents in this State, which shall be sufficient notice to such railroad company, and said rules shall have all the force and effect of an order, under the provisions of this act, and the disregard of the requirements or refusal to obey the requirements of such rules shall subject, and make liable, said common carrier to the pains and penalties made and provided in such case. The Railroad Commissioners shall publish said rules in one newspaper in each county having a railroad station within its limits, as elsewhere provided in this act for the publishing of rates, and shall also cause a copy of said rules to be posted in some public place at each station and sidetrack for the information of shippers. If any railroad company shall refuse or neglect to furnish cars as provided in the rules aforesaid at any station or sidetrack, complaint having been made to the Railroad Commissioners or any one of them, it shall be their duty to immediately inquire into the cause of such delay in furnishing the cars demanded, and if they find just cause for complaint they are empowered and required to make such orders and rules as they may deem to be right and just to all parties concerned, the same to be enforced as other orders and rules are enforced under the provisions of this act; *Provided*, all railroad corporations, in case of a shortage of cars, shall be required to furnish at all times each branch or division of its road its just proportion of cars required for the transportation of freight according to the amount offered for shipment on each branch or division.

(c) There shall in no case be more than one terminal charge for switching or transferring any car, whether the same is loaded or empty, within the limits of any one city or town. If it is necessary that any car pass over the tracks of more than one company, within such city or town limits, in order to reach its final destination, or to be returned therefrom to its owner or owners, then the company first switching or transferring such car shall be entitled to receive the entire charge to be made therefor, and shall be liable to the company or companies doing the subsequent switching or transferring thereof for its or their reasonable and equitable share of the compensation received, and if the companies so jointly interested therein cannot agree upon the share thereof which each is entitled to receive, the same shall be determined by the Commissioners of Railroads, whose decision thereon shall be final and conclusive upon all parties interested, and the said Commissioners are authorized to establish such rules and regulations in that

behalf as to them may seem just and reasonable and not in conflict with this act.

SEC. 8. (a) That every common carrier, subject to the provisions of this act, shall within sixty (60) days after this act shall take effect, print and thereafter keep for public inspection, schedules showing the classification, rates, fares and charges for the transportation of passengers and property of all kinds and classes which such common carrier has established, and which are in force at the time, upon its railroad, as defined by the first section of this act. This schedule printed as aforesaid by such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain "classification of freight" in force upon each of the lines of such railroad, a distance tariff, and a table of interstation distances, and shall also state separately the terminal charges, and any rules or regulations which in anywise change, affect or determine any part of the aggregate of such aforesaid rates, fares and charges. Such schedules shall be plainly printed in large type, and copies, for the use of the public, shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

(b) No change or classification shall be made, and no change shall be made in the rates, fares and charges, which have been established and published as aforesaid, by any common carrier, in compliance with the requirements of this section, without the order or by the authority of the Railroad Commissioners, except after ten (10) days' public notice, which notice shall plainly state the changes proposed to be made in the schedules then in force, and the time when the changed schedules will go into effect, and the proposed changes will be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time, and kept for public inspection.

(c) And when any common carrier shall have established and published its classifications, rates, fares and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect or receive from any person or persons a greater or less compensation for the transportation of passengers or property or for any service in connection therewith, than is specified in such published schedule of classifications, rates, fares and charges as may at the time be in force.

(d) Every common carrier, subject to the provisions of this act, shall file with the Commissioners of Railroads copies of its schedules of classifications, rates, fares and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commissioners of all changes proposed to be made in the same. Every such common carrier shall also file with said Commissioners copies

of all contracts, agreements or arrangements with other common carriers in relation to any traffic affected by the provisions of this act, to which contracts, agreements or arrangements it may be a party. And in cases where passengers or freight pass over lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint schedules of rates or fares, or charges or classifications, for such lines or routes, copies of such joint schedules shall also, in like manner, be filed with said Commissioners. Such joint schedules of rates, fares, charges and classifications, for such lines, so filed as aforesaid, shall also be made public by such common carriers in the same manner as hereinbefore provided for the publication of tariffs upon its own lines.

(e) That in case the Commissioners shall at any time find that any part of the tariffs of rates, fares, charges or classifications so filed and published as hereinbefore provided, are in any respect unequal or unreasonable, they shall have the power and are hereby authorized and directed to compel any common carrier to change the same and adopt such rate, fare, charge or classification as said Commissioners shall declare to be equal and reasonable. To which end the Commissioners shall, in writing, inform such common carrier in what respect such tariff of rates, charges or classifications are unequal and unreasonable, and shall recommend what tariff shall be substituted therefor.

(f) In case such common carrier shall neglect or refuse for ten (10) days after such notice to substitute such tariff of rates, fares and charges or classifications, or to adopt the same as recommended by the Commission, it shall be the duty of said Commission to immediately publish such tariff of rates, fares, charges or classifications as they have declared to be equal and reasonable in one or more newspapers published in the county or counties through or into which the road or line may run, upon which the charges so recommended by the Commission are to take effect. The newspapers in which such publication shall be made (subject to the above condition, that they shall be published in the county or counties through or into which such road or line of road may run) and the duration of time which such notice shall be published shall be in the discretion of the Commission; but the tariff of rates, fares, charges or classifications recommended by the Commission shall be in full force and effect from and after the expiration of ten days from the service upon such common carrier of the notice in writing required by subdivision "e" of this section without regard to the publication authorized by this "f" subdivision; and after the expiration of ten days from the service of such notice in writing upon such common carrier it shall be unlawful for such common carrier to charge a higher or lower rate, fare, charge or classification than that fixed by said Commission.

(g) If any common carrier, subject to the provisions of this act, shall neglect or refuse to publish or file its schedule of classifications, rates, fares or charges or any part thereof as provided in this section, or if any common carrier shall refuse or neglect to carry out such recommendation made and published by such Commissioners, such common carrier shall be subject to a writ of mandamus, to be issued by any judge of the supreme court, or of any of the district courts of this state upon application of the Commissioners to compel compliance with the requirements of this section, and with the recommendation of the Commissioners, and failure to comply with the requirements of the writ of mandamus shall be punishable as and for contempt, and the Commissioners, as complainants, may also apply to any such judge for a writ of injunction against such common carrier from receiving or transporting property or passengers within this State until such common carrier shall have complied with the requirements of this section and the recommendations of said Commissioners, and for any willful violation or failure to comply with such requirements or such recommendations of said Commissioners, the court may award such costs, including counsel fees, by way of penalty, on the return of said writs and after due deliberation thereon, as may be just.

(h) Any common carrier, subject to the provisions of this act, may appeal to any district court of this State from any order made by said Commissioners regulating or fixing its tariff of rates, fares, charges or classifications, or from any other order made by said Commissioners under the provisions of this act, by serving a notice in writing upon the secretary of said Commissioners, or any one of said Commissioners within sixty (60) days after such common carrier shall have received written notice from said Commissioners of the making of such order. If the order appealed from does not regulate or fix the common carrier's tariffs of rates, fares or charges, the district court to which the appeal is taken may in its discretion suspend the operation and effect of the order appealed from, pending such appeal. The district courts of this State shall be deemed to be always in session for the purpose of hearing and determining all appeals taken under the provisions of this act. The common carrier taking such appeal may bring the same on for hearing and determination at any time after taking such appeal, upon serving a notice to that effect upon any one of the Commissioners or upon their secretary at least sixty days prior to the day set for such hearing. The district court shall, upon the hearing of such appeal, receive and consider such evidence as may be adduced by either party, and shall rescind, modify or alter said order appealed from in such manner as may be equitable and just. Either party may appeal from the decision of the district court to the supreme court of this State by serving a notice of such appeal upon the opposite party. For the purpose of hear-

ing such appeals the supreme court shall always be in session, and appeals to it may be heard summarily by either party's serving upon the other a notice of hearing, at least fifteen days before the day fixed for such hearing. When evidence has been taken before the district court, such evidence may be signed by the judges of said district court, the party presenting such evidence to said judges for signature giving the other party five day's notice of the time and place of such presentation. The evidence signed as aforesaid shall become part of the record in the case, and upon an appeal to the supreme court being taken, as hereinbefore mentioned, shall be transmitted by the clerk of the district court to the supreme court, together with all the records and files in the case. The supreme court may reverse, affirm or modify the decision of the district court, as may seem equitable and just.

SEC. 9. The attorney general of the State of North Dakota shall be ex-officio attorney for the Commissioners of Railroads and shall give them such counsel and advice as they may from time to time require; and he shall institute and prosecute any [and] all suits which said Commissioners of Railroads may deem it proper and expedient to prosecute; and he shall render such Commissioners of Railroads all counsel, advice and assistance necessary to carry out the provisions of this act, or of any law of this State, according to the true intent and meaning thereof. It shall likewise be the duty of the district attorney of any county in which suit is instituted or prosecuted, to aid in the prosecution of the same to a final issue upon the request of such Commissioners. Said Commissioners are hereby authorized at the request of the attorney general to employ such additional legal counsel as he may think proper, to assist in the prosecution of any suit they may determine to bring under the provisions of this act, or of any law of this State.

SEC. 10. (a) That the Commissioners of Railroads shall have authority to inquire into the management of the business of all common carriers, subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information, necessary to enable the Commissioners to perform the duties and carry out the objects for which they were created; in order to enable said Commissioners efficiently to perform their duties under this act, it is hereby made their duty to cause one of their number to visit the various stations on the lines of each railroad as often as practicable, after having given twenty (20) days' notice of such visit and the time and place thereof in the local newspapers, and at least once in twelve (12) months to visit each county in the State in which is or shall be located a railroad station and personally inquire into the management of such railroad business, and for this purpose, all railroad companies and common carriers, and their officers and

employees, are required to aid and furnish each of the Commissioners with reasonable and proper facilities and each or all of the said Commissioners shall have the right, in his or their official capacity, [to] pass free on any railroad trains on all railroads in this State, and to enter and remain in at all suitable times, any and all cars, offices or depots, on or upon the railroads of any railroad company in this State, in the performance of official duties; and whenever, in the judgement of the Commissioners, it shall appear that any common carrier fails in any respect or particular to comply with the laws of this State, or whenever in their judgement any repairs are necessary upon its railroad, or any addition to or change of its stations or station house is necessary, or any change in the mode of operating its roads or conducting its business is reasonable or expedient in order to promote the security, convenience and accommodation of the public, said Commissioners shall inform such railroad company by a notice thereof in writing to be served as a summons in civil actions is required to be served by the statutes of this State in actions against corporations, when certified by the clerk or secretary of the Railroad Commissioners, and if such common carrier shall neglect or refuse to comply with such order, then the Commissioners may, in their discretion, cause suits or proceedings to be instituted to enforce its orders as provided in this act.

SEC. 11. (a) That in case any common carrier, subject to the provisions of this act, shall do, cause to be done, or permit to be done, any act or thing in this act prohibited, or declared to be unlawful, or shall omit to do any act, matter or thing in this act required to be done, such common carrier shall be liable to the person or persons, party or parties injured thereby, for the full amount of damages sustained in consequence of any such violations of the provisions of this act, together with a reasonable counsel or attorney's fees to be fixed by the court in every case of recovery, which attorney's fees shall be taxed and collected as part of the costs in the case.

(b) That any person or persons, party or parties claiming to be damaged by the action or non-action of any common carrier, subject to the provisions of this act, may either make complaint to the Commissioners, as hereinbefore provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district court of the State, of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies at the same time.

(c) In any such action brought for the recovery of damages the court before which the same may be pending may compel any director, officer, receiver, trustee or agent of any corporation or company, defendant in such suit, to attend, appear and testify in such case, and may compel the production of the books and papers

of such corporation or company, party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 12. That any common carrier, subject to the provisions of this act, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for, or employed by such corporation, who alone or with any other corporation, company, person or party, shall willfully do or cause to be done, or shall willfully suffer or permit to be done, any act, matter or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this act to be done, not to be done, or shall aid and abet therein any such omission, or shall be guilty of any willful infraction of this act, or shall aid or abet therein, shall be deemed guilty of a violation of the provisions of this act and shall, upon conviction thereof in any district court of the State within the jurisdiction of which such offence was committed, be subject to a penalty of not less than \$2,500 or more than \$5,000 for the first offense, and not less than \$5,000 or more than \$10,000 for each subsequent offense.

SEC. 13. (a) That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention of the provisions thereof, may apply to said Commissioners by petition, which shall briefly state the facts.

(b) Whereupon a statement of the charges thus made shall be forwarded by the Commissioners to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time, to be specified by the Commissioners. If such common carrier within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only, for the particular violation of the law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commissioners summarily to investigate the matter complained of, in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of absence of direct damages to the complainant. And for the purposes of this act the Commissioners shall have power to require the attendance of witnesses and the production of all books, papers, contracts,

agreements and documents relating to any matter under investigation, and, to that end, may invoke the aid of any of the courts of this State in requiring the attendance of witnesses and the production of books, papers and documents, under the provisions of this act.

(c) Any of the district courts of this State, within the jurisdiction of which such injury is carried on, shall, in case of contumacy or refusal to obey a subpoena issued by the Commissioners to any common carrier subject to the provisions of this act, or, when such common carrier is a corporation, to an officer or agent thereof, or to any person connected therewith, if proceedings are instituted in the name of such Commissioners as plaintiffs, issue an order requiring such common carrier, officer or agent, or person to show cause why such contumacy or refusal should not be punished as and for contempt, and if upon the hearing the court finds that the injury is within the jurisdiction of the Commissioners, and that such contumacy or refusal is willful and the same is persisted in, such contumacy or refusal shall be punished as though the same had taken place in an action pending in the district court for any judicial district in this State. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such persons on the trial of any criminal proceeding.

SEC. 14. (a) Whenever an investigation shall be made by said Commissioners, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the Commissioners are based, together with their recommendation as to what reparation, if any, should be made by the common carrier to party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found. All reports of investigations made by the Commissioners shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of, and the record thereof shall [be] public.

(b) If in any case in which an investigation shall be made by said Commissioners it shall be made to appear to the satisfaction of the Commissioners, either by testimony of witnesses or other evidence, that anything has been done or omitted to be done by any common carrier, in violation of the provisions of this act or to any law cognizable by said Commissioners, or that any injury or damages has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the Commissioners to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and

desist from such violation and to make reparation for the injury so found to have been done within a brief but reasonable time, to be specified by the Commissioners; and if within the time specified it shall be made to appear to the Commissioners that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the Commissioners, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the Commissioners, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

(c) But if such common carrier shall neglect or refuse, within the time specified, to desist from such violation of law, and make reparation for the injury done in compliance with the notice and report of the Commissioners as aforesaid, it shall be the duty of the Commissioners to forthwith certify the fact of such neglect or refusal, and forward a copy of its report and such certificate to the attorney general of the State for redress and punishment as hereinafter provided.

SEC. 15. (a) That it shall be the duty of the attorney general, to whom said Commissioners may forward their report and certificate, as provided in the next preceding section of this act, when it shall appear from such report that any injury or damages has been sustained by any party or parties by reason of such violation of law by such common carrier, to forthwith cause suit to be brought in the district court in the judicial district wherein such violation occurred, on behalf and in the name of the person or persons injured, against such common carrier, for the recovery of damages for such injury as may have been sustained by the injured party; and the cost and expenses of such prosecution shall be paid out of the appropriation hereinafter provided for for the uses and purposes of this act.

(b) And the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice shall be served on such common carrier, his or its officers, agents or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily, and without the formal pleading and proceedings applicable to ordinary suits in equity; but in such manner as to do justice in the premises, and to this end the court shall have power, if it thinks fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition. And on such hearing the report of said Commissioners shall be *prima facie* evidence of the matters therein stated.

(c) And if it be made to appear to such court, on such hear-

ing, or on report of any such person or persons, that the lawful order or requirements of such Commissioners drawn in question, has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction, or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or such disobedience of such order or requirement of said Commissioners, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such courts to issue writs of attachment, or any other process of said courts incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier; and if a corporation, against one or more of the directors, officers or agents of the same, or against any owner, lessee, trustee, receiver or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding [for] each carrier or person in default the sum of five hundred (500) dollars for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court to abide the ultimate decision of the court; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in *personam* in such court. Each party to such proceeding before said court may appeal to the supreme court of the State, under the same regulations now provided by law in respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless the court hearing or deciding such case should otherwise direct; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable.

(d) In case the attorney general shall not within a period of ten (10) days after the making of any order by the Commissioners, commence judicial proceedings for the enforcement thereof, any railroad company, or other common carrier affected by such order, may at any time within the period of thirty (30) days after the service of it upon him or it of such order, and before commencement of proceedings, appeal therefrom to the district court of any judicial district through or into which his or its route may run, by the service of a written notice of such appeal upon some member of such Commissioners. And upon the taking of such appeal, and the filing of the notice thereof,

with the proof of service, in the office of the clerk of such court, there shall be deemed to be pending in such court a civil action of the character and for the purposes mentioned in sections eleven (11) and fifteen (15) of this act. Upon such appeal, and upon the hearing of and application for the enforcement of any such order made by the Commissioners or by the attorney general, the court shall have jurisdiction to examine the whole matter in controversy, including matters of fact as well as questions of law, and to affirm, modify or rescind such order in whole or in part, as justice may require. No appeal as aforesaid shall stay or supersede the order appealed from, and pending the final decision of all appeals to the courts the rates fixed shall remain in full force and effect.

SEC. 16. (a) That whenever facts, in any manner ascertained by said Commissioners, shall in their judgment warrant a prosecution, it shall be the duty of said Commissioners to immediately cause suit to be instituted and prosecuted against any common carrier who may violate any of the provisions of this act, or of any law of this State. All such prosecutions shall be in the name of the State of North Dakota except as otherwise provided in this act, or in any law of this State, and may be instituted in any county in the State through or into which the line of any common carrier so sued may extend, and all penalties recovered under the provisions of this act, or of any law of this State, in any suit instituted in the name of the State, shall be immediately paid into the State treasury by the sheriff or other officer or person collecting the same; and the same shall be by the State treasurer placed to the credit of the general revenue fund.

(b) For the purpose of this act, except its penal provisions, the district courts and supreme court of the State shall be deemed to be always in open session.

SEC. 17. (a) That the Commissioners are hereby directed to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which said reports shall be made, and to require from such carriers specific answers to all questions upon which the Commissioners may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon; the costs and value of the carrier's property, franchises and equipment, the number of employes and the salary paid each class, the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts of each branch of business, and from all sources, the operating, and other expenses; the balance of profit and loss; and complete exhibit of the financial operations of the carrier each year, includ-

ing an annual balance sheet; also the total number of acres of land received as grants from the United States, the number of acres of said grants sold, and average price received per acre, the number of acres of grants unsold and the appraised value per acre. Such detailed reports shall also contain such information in relation to rates or regulations concerning fares or freights and agreements, arrangements or contracts with express companies, telegraph companies, sleeping and dining car companies, fast freight lines, and other common carriers, as the Commissioners may require, with copies of such contracts, agreements or arrangements.

SEC. 18. (a) That such Commissioners shall, on or before the first day of December in each year, and oftener if required by the governor to do so, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the actual working of the system of railroad transportation in its bearings upon the business and prosperity of the people of this State, and such suggestions in relation thereto as to them may seem appropriate.

(b) They shall also, at such times as the governor shall direct, examine any particular subject connected with the conditions and management of such railroads and report to him in writing their opinion thereon, with their reasons therefor. Said Commissioners shall also investigate and consider what, if any, amendment or revision of the railroad laws of this State the best interests of the State demand, and they shall make a special biennial report on said subject to the governor. All such reports made to the governor shall be by him transmitted to the Legislature at the earliest practicable time.

(c) Nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies; *Provided*, that no pending litigation shall in any way be affected by this act. The decision of a majority of the Commission shall be considered the decision of the Board on all questions arising for its consideration. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the district court of the State. All expenses of the Commission in making an investigation or examinations in any other place than the city of Bismarck, shall be allowed and paid out of the State treasury on the presentation of itemized vouchers therefor approved by the chairman of the Commission and the state auditor.

SEC. 19. All acts and parts of [acts] conflicting with the provisions of this act are hereby repealed.

SEC. 20. An emergency existing, in the fact that there is no law in force which properly defines the duties and powers of the Board of Railroad Commissioners, this act is intended to remedy

that defect; this act shall take effect and be in force from and after its passage and approval.

Approved March 19, 1890.

SHIPMENT OF LIVE STOCK.

[Chapter 124, Session Laws 1890.]

An Act Relating to the Shipment of Live Stock and Grain.

Be it Enacted By the Legislative Assembly of the State of North Dakota:

SECTION 1. Whenever any shipper of hogs, cattle, sheep, horses or other animals, shall present his stock at any railroad station, and to any railroad agent in the State of North Dakota, for purposes of transportation, it shall be the duty of said railroad agent to count or cause to be counted said hogs, cattle, sheep, horses or other animals, and the number so counted shall be by the agent named in the bill of lading or receipt for said stock. And if said railroad agent neglect or refuse to count or have counted said stock, then the railroad company employing said agent shall be held responsible for the number of animals specified in the bill of lading according to shipper's count.

SEC. 2. Whenever any shipper shall order one or more cars from any railroad company for the purpose of transportation of stock or grain, he shall have the right and privilege to put in said car or cars two or more species of live stock or different kinds of grain; and no railroad company or railroad agent shall charge for any car in which is shipped two or more species of live stock any greater prices than are charged when only one species of said stock is shipped therein, nor shall said railroad agent or railroad company charge any greater sum when two or more kinds of grain are shipped in any car than is charged when only one kind of grain which is in said car is shipped; *Provided*, that said different species of stock or kinds of grain which are placed in said car or cars do not exceed the maximum limit of pounds allowed by law and by the railroad company when only one species of live stock or one kind of grain is shipped in said car or cars; *Provided, further*, that when more than one kind of stock or grain shall be shipped in the same car, the highest rate may be the rate of freight to be charged.

SEC. 3. Any loss sustained by any shipper from the refusal on the part of any railroad company to conform to the requirements of this act shall be assessed and collected as any other damages and losses are assessed and collected against railroad companies.

Approved February 10, 1890.

TRANSFER OF FREIGHT.

[Chapter 128, Session Laws of 1890.]

An Act Entitled "An Act to Provide for the Transfer of Freight at Railroad Crossings and the Maintenance of Depots at the Same."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. In all cases where any line of railroad shall cross or intersect any other line of railroad in this State, it shall be the duty of the railroad companies owning or operating such intersecting railroad lines within sixty (60) days, as hereinafter required so to do, to provide at such crossing or intersection suitable and sufficient facilities such as building Y's or other tracks, platforms, warehouses, depots, etc., for transferring cars and for accommodating and transferring passengers and traffic of all kinds and classes from one such line of railroad to another and to afford equal and reasonable facilities for the interchange of cars and traffic between their respective lines.

SEC. 2. Whenever any twenty or more resident freeholders residing within ten (10) miles of the crossing or intersection of any railroad lines shall petition said railroad companies owning or operating said intersecting railroad lines, it shall be the duty of such railroad companies to build, equip and operate within sixty (60) days thereafter the necessary Y's, tracks and switches necessary for the transfer of all kinds and classes of freight by car lots from one such line to the other.

SEC. 3. Whenever any fifty resident freeholders residing within ten (10) miles of any crossing or intersection of any railroad lines shall petition said railroad companies owning or operating said intersecting lines of railroad, it shall be the duty of said railroad companies within sixty days thereafter to build, equip, operate and maintain suitable Y's, tracks, switches and also a suitable warehouse and depot for the accommodation of passengers and of freight of all kinds and classes, and the said railroad companies shall maintain an agent there who shall be a telegraph operator, provided with all necessary instruments, wires, etc., necessary for the transacting of business in such manner as the business of other stations on their respective lines is usually transacted.

SEC. 4. Upon the presentation of a petition, signed by the requisite number of freeholders, as provided by Sections 2 and 3, this act, it shall be the duty of the clerk of court of the county in which said railroad crossing or intersection is situated, as mentioned in said petition, to transmit within three (3) days thereafter (upon receipt of fifty cents for filing and \$1 for a certified copy thereof), a certified copy of the said petition to the general manager of each of said intersecting lines of railroad, and the said clerk of the court shall thereupon make a suitable record of the sending of such copies as to time, etc., which record, together

with the original petition, shall be *prima facie* evidence in any court of law of such notification to said railroad companies.

SEC. 5. If any railroad company or companies, to whom such petitions are addressed, shall fail to comply with any of the provisions of this act, within the time prescribed by Section 1 of this act, any person who may have signed any petition under Sections 2 or 3, may appeal to the Railroad Commissioners by filing with said Railroad Commissioners an affidavit setting forth the fact that said petition has not been granted, and also a certified copy of the original petition; it shall then be the duty of said Railroad Commissioners to condemn all lands necessary for the requirements of the prayer of said petition in such manner as lands are usually condemned for public purposes; *Provided, however*, that said Railroad Commissioners cannot easily obtain the right of way or a deed to such lands as may be necessary in building any Y's, tracks, depots or platforms; *Provided, further*, that in all cases where there is room upon the rights of way of any intersecting lines of railroad the Commissioners shall build all tracks, Y's, switches, depots, platforms, etc., thereon immediately proceed to build such tracks, Y's, switches, depots, platforms, etc., as are required by the different sections of this act to be built, and the cost thereof shall immediately thereon become a lien upon the rolling stock, roadbed, equipments, earnings, etc., of such railroad companies and may be by such Railroad Commissioners collected by law in such case made and provided.

SEC. 6. In all cases where it becomes necessary for the Railroad Commissioners to build any tracks, Y's, switches, depots, platforms, etc., under any of the provisions of this act, and the railroad companies owning or operating any intersecting lines fail to pay for the same within thirty days after being duly notified of and presented with an itemized account of one-half the costs of constructing the same, the said Railroad Commissioners are hereby empowered to present the State auditor with a verified account in writing of the cost of building of any such tracks, Y's, switches, platforms, etc., and the costs of all lands necessarily condemned or bought in the construction of the same, and the State auditor shall thereupon draw his warrant upon the State treasurer for the amount thereof in favor of said Railroad Commissioners. Immediately upon receipt of such warrant it shall be the duty of the Railroad Commissioners to commence an action against all railroad companies interested for the recovery of the costs of the construction of all such Y's, tracks, switches, platforms, depots, etc. Said action shall be in the name of the State as plaintiff, and shall be maintained and prosecuted as all such actions are maintained and prosecuted.

SEC. 7. The cost of transferring a car of freight of any kind or class shall be one dollar, and the rate both before and after transfer shall be in accordance with the rate of the respective

lines from which and to which such car may be transferred subject to all regulations of law in such cases made and provided; *Provided, however,* that the same rate shall be charged from any point on any railroad to any point on any other railroad that corresponds with the schedule rate of the road first making shipment to a point correspondingly distant on their own line with the costs of transfer added. If any railroad company shall fail to forward any car or other quantity of freight consigned to them and transferred from any other line of railroad within forty-eight hours thereafter, they shall be liable for all damages caused by such delay and a fine of \$25 per day, upon conviction thereof in any court of competent jurisdiction, for each and every day of such delay.

SEC. 8. The cost of constructing, maintaining and operating all facilities and structures required by the provisions of this act shall be borne equally between the railroad companies owning and operating such intersecting lines.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 12, 1890.

RAILROAD SIDETRACKS.

[Chapter 128, Session Laws 1890.]

An Act Compelling Railroad Companies to Put in Sidetracks Adjacent to Coal Mines in the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Whenever any person, persons or corporations owning or operating any coal mine or mines within the State of North Dakota, from which mine or mines not less than fifty cars of coal have been shipped from any one station over any portion of any railroad within the limits of the State of North Dakota shall petition any such railroad company to build a sidetrack or spur at least 300 feet in length adjacent to said mine or mines, it shall then be the duty of such railroad company to build, equip and operate such sidetrack or spur, providing such spur is not nearer than two miles from any station already in operation; *Provided, further,* that any person, company or corporation opening a coal mine within two miles of any station may petition for a sidetrack or spur, and by executing an indemnity bond in favor of said railroad company in the sum of \$2,000, conditioned on the agreement that said person, company or corporation will ship within one year after the completion of such spur or sidetrack, not less than one hundred (100) carloads of coal, and when such bond is duly executed with two sureties, approved by the county judge of the county wherein such sidetrack is situated or attached for judicial purposes, the said railroad com-

pany shall within sixty days build, equip and operate such sidetrack or spur as provided for in this section. And the Commissioners of Railroads shall have power to locate said sidetrack or spur and order them properly provided with platforms and other conveniences for loading coal and other commodities thereat.

SEC. 2. Any neglect or refusal to comply with any part of the provisions of this act within fifteen days after being requested in writing by the parties or party operating the coal mine, or by any one of the Board of Commissioners of Railroads to put in said sidetrack shall subject said railroad company to a forfeiture of fifty dollars (\$50.00) per day for each and every day said railroad company shall neglect or refuse to comply with the provisions of this act, to be recovered by the party or parties effected by said neglect or refusal; said forfeiture or penalty may be recovered in any court of competent jurisdiction in this State; *Provided*, no railroad shall be compelled to put in a sidetrack where it cannot be done without grading, between the 15th day of November and the 15th day of May of any year.

SEC. 3. The Commissioners of Railroads of this State shall enforce the provisions of this act in the name of the State of North Dakota.

SEC. 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. An emergency existing in that there is no law now in force for the compelling of railroads to put in sidetracks adjacent to coal mines, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1890.

RAILWAY CROSSINGS.

[Chapter 127, Session Laws 1890.]

An Act Requiring Railway Companies to Build and Keep in Repair Highway Crossings.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That all railway companies operating a line or lines of railways in this State, shall build or cause to be built and kept in repair, good and sufficient crossings over such line or lines of railway at all points where any public highway in use is now or may hereafter be intersected by such lines of railway.

SEC. 2. A good and sufficient crossing as required to be built and kept in repair as demonstrated in Section one (1) of this act, shall be, and is hereby construed to be as follows, to-wit:

First. Of a grade of earth on one or both sides of the railroad track, as the location may require, a grade or grades of earth twenty feet in width, the middle point of which shall be as near as practicable at the middle point of the highway, and such grade

shall be of such shape as shall be necessary for the safety and convenience of the traveling public.

Second. That plank shall be firmly spiked on and for the full length of the ties used in the roadbed of such railway, where such crossing occurs, and such plank, when so laid, shall be no more than one inch apart, except where the rails prevent, in which the plank next inside of such rail shall be no more than two and one-half inches from the inside surface of such rail, and the thickness of the plank so used shall be three inches and so laid that the upper surface of the plank shall be on a level with the upper surface of the rail, and all such plank shall extend along such railway twenty (20) feet in width of such highway grade, and all plank so laid shall not be removed or taken up for any greater length of time than is necessary for the repairs or replacing of such crossing.

SEC. 3. It shall be the duty of the officer or officers having charge of any public highway intersected by any line of railway to serve a written notice upon the nearest station agent or superintendent having charge of that portion of the railway where such intersection occurs, that such crossing as herein described shall be built or repaired.

SEC. 4. It shall be the duty of any railway company so receiving such notice, to build or cause to be built a good and sufficient crossing, as described in Section two (2) of this act, within a period of thirty days from and after receiving such notice.

SEC. 5. Any railroad company which shall neglect to comply with the terms of this act shall be liable to pay damage to the county, city, village or town in which the highway is situated, the sum of thirty (30) dollars for such neglect, the same to be recovered in an action brought in the name of the county, city, village or town, as the case may be. It is hereby made the duty of the states attorney to prosecute to judgment any claim arising under the foregoing provision, without charge to the said county, city, village or town for attorney's fees.

SEC. 6. That all act or parts of acts conflicting with this act are hereby repealed.

Approved March 3, 1890.

GUARANTEE OF RAILROAD SECURITIES.

[Chapter 129, Session Laws 1890.]

An Act Authorizing Railroad Companies to Take, Acquire, Purchase, Sell or Guarantee the Payment of the Bonds and Other Securities of Any Other Railroad Company.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Any railroad corporation, whether chartered by or organized under, the laws of this State, or of the Territory of

Dakota, or of the United States, or of any other state or territory, may take, purchase, hold, sell and dispose of, or guarantee the payment of the bonds and securities of any other railroad corporation whose line of road is continuous of, or, by lease, traffic, contract or otherwise connected with its own line.

Approved March 3, 1890.

RAILROAD MAPS.

[Chapter 130, Session Laws 1890.]

An Act to Require all Railroad Corporations Doing Business in the State of North Dakota to File with the County Clerk of any County in Which any Railroad or Part Thereof May be Located, a Map Showing all Railroad and Right of Way Owned by said Corporation.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That all railroad corporations now doing business in the State of North Dakota shall file, within ninety days after the passage of this act, with the county clerk of any county, in which any railroad or part thereof may be located, a map showing the correct location of any and all right of way, lines of railroad and sidetracks in said county, owned or occupied by said railroad corporations or any of them, also showing the number of acres in each parcel of land included by said railroad corporation or any of them in said county as right of way.

SEC. 2. That any railroad corporation who may hereafter acquire any right of way or other property, as set forth in Section 1 of this act shall file, within six months after the location of their right of way a map as provided for in Section 1 of this act.

SEC. 3. Any railroad corporation which shall violate any of the provisions of this act shall, upon conviction thereof in any court of competent jurisdiction, be fined in a sum of not less than one hundred dollars nor more than five hundred dollars.

Approved March 8, 1890.

RAILROAD TAXATION.

GROSS EARNINGS.

[Chapter 134, Session Laws 1890.]

An Act to Amend an Act of the Legislative Assembly of the Territory of Dakota, Approved March 7, 1889, Entitled "An Act Providing for the Levy and Collection of Taxes Upon the Property of Railroad Companies in this Territory."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

That an act of the Legislative Assembly of the Territory of Dakota, approved March 7, 1889, entitled "An act providing for the levy and collection of taxes upon the property of railroad

companies in this territory" be, and the same is hereby amended so as to read as follows:

SECTION 1. PERCENTAGE OF GROSS EARNINGS TO BE PAID IN LIEU OF OTHER TAXES.] In lieu of any and all other taxes upon any railroad, except railroads operated by horse power, within this State, or upon the equipment, appurtenances or appendages thereof, or upon any other property situated in this State, belonging to the corporation owning or operating such railroads, and used exclusively in and about the prosecution of the business of such railroad companies, as common carriers, including the road-bed, right of way, shops and buildings of such railroad companies, and upon the capital stock or business transactions thereof, there shall hereafter be paid into the treasury of this State an amount equal to a percentage of all the gross earnings of the corporation owning or operating such railroad, arising from the operation of such railroad, as shall be situated within this State, both upon state and interstate traffic, in case the railroad company owning or operating such line shall accept, or has heretofore accepted, and become subject to this act as hereinafter provided, or of the act of which this act is amendatory. Every such railroad, corporation or person owning or operating, or that may hereafter own or operate any line of railroad in this State, which shall have accepted this act, shall pay to said treasurer each year "for the first five years" after the approval of this act, an amount equal to 3 per centum of such gross earnings, "and for and in each and every year after the expiration of such five years, an amount equal to 2 per centum of said gross earnings," and the payment of such amount annually as aforesaid shall be, and is, in full of any and all other taxation and assessment whatever upon the property aforesaid. Said payments shall be made, except as hereinafter provided, one-half on or before the 15th day of February, and one-half on or before the 1st day of August in each year. And for the purpose of ascertaining to [the] gross earnings aforesaid, an accurate account of such earnings shall be kept by said company. An abstract shall be furnished by said company to the treasurer of this State on or before the 1st day of February in each year; the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of such company, and for the purpose of ascertaining the truth of such affidavits and the correctness of such abstracts, full power is hereby vested in the governor of this State, or any other person appointed by law, to examine under oath the officers and employees of said company, or other persons, and if any person so examined by the governor or other authorized person shall knowingly and wilfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury. And for the purpose of securing to the State the payment to [of] the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said.

company, and upon all property, estate or effects of said company whatsoever, personal, real or mixed; and the lien hereby secured to the State shall have and take precedence of all demands, decrees and judgments against said company.

SEC. 2. WHEN COMPANY SHALL FAIL TO MAKE RETURN.] If any such railroad company, having accepted this act, shall fail to make return of its gross earnings as aforesaid, or of any part thereof, at the time and in the manner provided by law, and such default shall continue during the period of thirty days, such company shall be subject to a penalty of an amount equal to 10 per cent. of the tax imposed upon such company by this act. And the treasurer of the State shall forthwith ascertain the amount of such percentage justly due from such company, as near as may be from such evidence as may be available, and shall thereupon collect such amount so ascertained, together with the said penalty thereon. The amount so ascertained by the State treasurer, as in this section provided, shall, together with the said penalty thereon, be by him entered in the books of his office, and such entry when so made shall stand in the place of the report required by law to be made by such company, and shall in all courts within this State be evidence of the amount of such tax and penalty and of the other facts stated therein, in pursuance of this act.

SEC. 3. NEGLECT TO PAY TAXES.] In case any railroad company, which shall have accepted the provisions of this act, shall fail or neglect to pay the amount reported at the time and in the manner hereinafter provided, for a period of thirty days after the same shall have become due by the terms thereof, in such case there shall be added to the amount of such tax, 10 per centum thereof as a penalty for such failure or neglect of duty.

SEC. 4. STATE TREASURER TO DISTRAIN.] At any time after the expiration of the period of thirty days, after the amount as above provided has become due and payable under the provisions of this act, the State treasurer, or his deputy, shall distrain sufficient goods, chattels or other movable property if found within this State, to pay the said amount due from such corporation, together with the penalty thereon, as hereinafter provided, and shall immediately advertise the sale of the same in at least three newspapers published within this State, stating the time when and place where such property shall be sold; such sale shall take place at some point on the railroad of such delinquent company, and at least four weeks' notice of the time and place of such sale shall be given. Such delinquent company, its successors or assigns, may pay in such amount and penalty at any time before the sale of the property distrained as herein provided. And thereupon further proceedings in connection with such distress shall cease, and the property distrained shall be delivered to the owner thereof.

SEC. 5. HOW TAXES APPORTIONED.] The moneys received and collected by the State treasurer in pursuance of this act, shall

be disposed of by him as follows: One-half of the same shall be retained in the State treasury for the use of the State, and the remainder shall be apportioned among the several counties into or through which the railroad or railroads of such companies run in proportion to the number of miles of track of the main line and its branches sustained in such counties respectively; *Provided*, that all moneys paid by such companies upon statements of gross earnings heretofore made shall be distributed according to Section six (6) of the act of which this is amendatory.

SEC. 6. Any railroad company which, at the date of the passage of this act, owns or is engaged in operating any line or lines of railroad in this State, which has not accepted and become subject to the provisions of the act of which this is amendatory, may at any time within thirty days after the passage of this act, by resolution of its board of directors, attested by its secretary and filed with the secretary of State, accept and become subject to the provisions of this act. It is further expressly provided that any company failing to strictly comply with the provisions of this act within the time herein provided, shall be immediately subject to assessment and taxation in the manner provided for the assessment and taxation of the property of individuals of this State, and said taxes shall be collected in the same manner as is now provided in cases of property of individuals.

SEC. 7. The railroads and property of all railroad companies owning or operating lines of railway in this State, which have not accepted and become subject to the provisions of the act of which this is amendatory, or shall not accept and become subject to the provisions of this act, shall not be entitled to the exemption in this act contained; but shall be subject to taxation in such manner as shall be provided by law; *Provided*, that no further acceptance shall be required of such railroad companies as have already accepted of the act of which this is amendatory and become subject thereto.

SEC. 8. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1890.

DIRECT TAXATION.

[Chapter 185, Laws 1890.]

An Act to Provide for the Assessment of Railroad Property in this State and Prescribing the Manner of Levying and Collecting the Tax on the Same.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. The State board of equalization shall at their annual meeting in August in each year, assess at its actual value, the franchise, roadway, roadbed, rails and rolling stock of all railroads operated in this State. To enable said board to make a

correct valuation of such property, they shall have access to all reports, estimates and surveys of such lines of railroads as may be on file in the office of the Commissioners of Railroads, and shall have power to summons and compel the attendance of witnesses, and may examine such witnesses under oath in any matter relating to the value of such property. In estimating the value of each railroad, branches and sidetracks thereof they shall be governed by the same rules as are provided for the government of county and township assessors, in valuing other property in this State. They shall cause a record to be made of the estimated value placed upon each of the items set forth in this section which go to make the aggregate valuation of such assessments.

SEC. 2. The board of equalization shall divide the valuation so found and determined of each continuous line by the number of miles of such line contained in the State, and the result shall be the valuation per mile for which said line shall be assessed. The value of each branch line shall be determined in the same manner, and such valuation per mile shall be apportioned to each county according to the number of miles of such line or branch line contained in such county.

SEC. 3. The State auditor shall at the time of certifying the equalized value of each organized county to the county auditor, also certify the number of miles of each main line of railroad, and branches and sidetracks thereof contained in said county and the valuation per mile of such line or branch line as determined by the State board of equalization; and the county auditor of such county shall apportion such valuation to the cities, towns, townships and districts through which such railroads run according to the number of miles contained in each, as a part of the valuation of such city, town, township and district, for the purpose of taxation, and the same shall be taxed as personal property is taxed in each county.

SEC. 4. The valuation so apportioned to unorganized counties in this State shall be taxed for State purposes only; and such tax shall be levied annually by the State auditor at the same rate as other property is taxed for State purposes, and the State auditor shall notify each railroad company so taxed of the amount of such tax, on or before the first day of December in each year, and such tax must be paid to the State treasurer at the same time, and subject to the same penalty as is prescribed by law for the collection of personal property taxes in organized counties, and the State treasurer shall have the same powers, and it shall be his duty to collect the said tax in the same manner as county treasurers are authorized by law to collect personal property taxes.

SEC. 5. If at any time the Legislative Assembly shall provide by law for a payment of a per centum of gross earnings by railroads, as authorized by Section one hundred and seventy-six (176) of the constitution of this State, then and during the time

such law shall be in force the provisions of this act shall be inoperative.

Approved March 20, 1890.

LAWS GOVERNING ELEVATORS AND GRAIN WAREHOUSES IN THE STATE OF NORTH DAKOTA.

PUBLIC WAREHOUSES.

[Chapter 189, Session Laws 1890.]

An Act Providing for the Erection of Public Grain Warehouses and Elevators, on the Right of Way of Railroad Corporations and Contiguous Thereto, and Prescribing Condemnation Proceedings in Connection Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Any two or more persons, corporation or association, who have or shall, by articles of agreement in writing, associate themselves together under any name assumed by them, for the purpose of operating a warehouse or elevator by and for the purchase, storage and shipping of wheat or other grain within this State, may make an application in writing to any railroad company or corporation organized under the laws of this State, or doing business therein, to be permitted to construct, to maintain and operate a warehouse or elevator at any of its regular way stations upon its right of way, to be used for the purpose aforesaid, and the railroad company or corporation so applied to shall grant such application without regard to the capacity of such elevator or warehouse and without discrimination as to persons, and in the order in which such applications shall be presented.

SEC. 2. All elevators or warehouses erected under the provisions of this act shall be kept open for the transaction of business during such portion of the year as may be required by the statutes of the State, or the Board of Railroad Commissioners. The associations or corporations which shall avail themselves of the benefits or privileges of this section are declared to be public corporations, subject to legislative supervision and control at all times and in all particulars in which rights or powers are conferred upon them by this act. Before the application hereinbefore mentioned need be granted by any railroad company or corporation, the association making the same shall pay or secure to such railroad company or corporation such compensation for the right, privilege or franchise demanded in such petition as may be agreed upon between the parties as a just and reasonable yearly rental therefor, or a fixed or certain amount to be paid in one sum in lieu of a rental to be paid annually for the use and occupation of the site occupied by such warehouse or elevator and the uses and privileges connected therewith. If the parties fail to agree upon such yearly rental, or upon a lump sum to be paid in lieu thereof, the

same may be determined and assessed upon petition to the district court for the district in which the station, at which the warehouse or elevator is located, may be situated, pursuant to the provisions of the statute for the condemnation of private property for public uses. All notices to be served upon the railroad company or commons in an action in the district court; *Provided*, that either poration in the initiation or of such condemnation proceedings or during the progress thereof may be served in manner provided by the laws of this State for the service upon such corporations of sum-party shall have the right to appeal from the decisions of the Commissioners to the district court for the district aforesaid within twenty days from the filing of the same and service of notice of the filing of such decision; and such appeal shall be taken, and heard and determined in like manner as appeals from the report of the Commissioners for condemning lands for the use of railroad corporations, as far as the same may be applicable; *Provided, further*, that in case of condemnation proceedings the Commissioners shall find, determine and return both the rental to be paid annually and a lump sum in lieu thereof. If the association making the application shall prefer to pay the annual rental so found by the Commissioners or by the jury on appeal, in lieu of the lump sum found by them as aforesaid, the same shall be paid annually in advance, and in default thereof the warehouse or elevator shall not be erected, or if erected shall be moved in thirty days after notice from the railroad company or corporation, and in default to so remove the same it shall be forfeited to said company or corporation.

SEC. 3. Every railroad company or corporation organized under the laws of this State, or doing business therein, shall upon application in writing, provide reasonable sidetrack facilities and running connections between its main track and elevators and warehouses upon or contiguous to its right of way at such stations; and every such railroad corporation shall permit connections to be made and maintained in a reasonable manner with its sidetracks to and from any warehouse or elevator, without reference to its size, cost or capacity, where grain is or may be stored; *Provided*, that this shall not be so construed as to require any railroad company to construct or furnish any sidetracks off its own land or right of way; *Provided, further, however*, that such elevators and warehouses shall not be constructed within one hundred feet of any existing structure and shall be at safe fire distance from the station buildings and so as not to essentially conflict with the safe and convenient operation of the road; and that where stations are ten miles or more apart the railroad company when required to do so by the Railroad Commissioners, shall construct and maintain a sidetrack for the use of shippers between such stations.

SEC. 4. Individual persons shall have the same rights and privileges under the provisions of this act as associated persons, corporations and associations.

SEC. 5. Whereas, an emergency exists by reason of the fact that it is necessary that this act shall take effect immediately, therefore, it shall take effect and be in force from and after its passage and approval by the governor.

Approved March 3, 1890.

GRAIN GRADING AND GRAIN DEALING.

[Chapter 187, Laws of 1890.]

An Act Entitled "An Act to Regulate the Buying, Selling and Handling of Grain of all Kinds, and to Regulate the Grading of the Same and to Provide for the Manner in Which Grain May be Received for Storage, and the Conditions on Which the Same May be Returned to the Owner, and to Regulate Matters Connected with the Business of Warehousing and Grain Grading."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. For the purposes of this act all persons engaged in the business of buying and selling grain at a fixed place, and in a building erected and maintained for that purpose, are declared to be public warehousemen.

SEC. 2. Any person or persons, or company, firm or corporations who shall be engaged, or engage in the business expressed in Section 1 of this act, shall be subject to the rules and regulations as hereinafter provided for.

SEC. 3. Before engaging in the business expressed in the title of this act, all persons, firms, companies or corporations shall file or cause to be filed with the register of deeds of the county in which the business is to be conducted a notice of intention to engage in such business, stating at what particular point within the county the business is to be transacted, and in what building.

SEC. 4. In filing notice as provided in Section 3 of this act, the person or persons, firm, company or corporation shall state whether or not the business of storing grain for a compensation is to be carried on in connection with the buying and selling, and if such storage business is contemplated, then the person or persons, firm, company or corporation giving such notice shall likewise cause to be filed with the register of deeds in the county where the business is to be conducted a bond in the sum of \$2,000 for every elevator or warehouse of 10,000 bushels capacity or less, and a bond of \$3,000 for every elevator or warehouse of more than 10,000 bushels and not exceeding 20,000 bushels, and a bond of \$5,000 for every elevator or warehouse of more than 20,000 bushels and not exceeding 40,000 bushels capacity, and a bond of \$7,000 for every elevator or warehouse whose capacity shall exceed 40,000 bushels, but not exceed 60,000 bushels, and for all elevators or warehouses whose capacity shall exceed 60,000 bushels a bond for \$10,000 shall be given, such bonds to be given to the State of

North Dakota, and to be conditioned on a faithful compliance with the provisions of this act.

SEC. 5. Any and all bonds given by any person or persons, firm, company or corporations shall be signed by at least two good and sufficient sureties, and the bond and sureties thereon shall be approved by the register of deeds of the county where the elevator is situated, for which purpose he is hereby empowered.

SEC. 6. The bonds provided for in this act shall continue in effect until August 1st next after the making of the same; *Provided*, that for the purpose of securing persons who may hold or have held storage receipts during the continuance of the bond or bonds against abuse, discrimination, loss or fraud by or on the part of the person or persons, firm, company or corporation, conducting or having conducted or doing such storage business, the bond shall be deemed continuous.

SEC. 7. No person or persons, firm, company or corporation who shall buy and sell grain, but shall not store the same for a compensation, shall be required to give a bond as hereinbefore provided.

SEC. 8. Any person or persons, firm, company or corporation who shall be or become public warehousemen under this act shall be subject to the supervision, control, direction, penalties and other provisions prescribed by this act.

SEC. 9. Any storage receipt issued within the boundaries of this State, shall provide by express agreement that at the option of the holder of such receipt the kind, quality and quantity of grain for which such receipt was issued shall be delivered back to him at the same place where it was received upon the payment of a reasonable charge per bushel for receiving, handling, storing and insurance charges, such charges to be fixed by express terms in the storage receipt at the time of receiving the grain at the elevator or warehouse, and at the time of issuing the receipt; *Provided*, that no charges shall be made for cleaning grain unless such grain has been actually cleaned.

SEC. 10. When a storage receipt is issued for any kind of grain, the quality of which falls below the highest standard, then such storage receipts shall not only express and determine the grade, but shall likewise expressly state how many cents per bushel below the price for the highest grade such grain shall be bought at when sold; *Provided*, that the warehouseman with whom the grain is stored shall pay the same price per bushel for such stored grain as is by him paid for grain of a like quality upon the market the same day, less his charges, as provided for in this act.

SEC. 11. When any person or persons holding a storage receipt for any kind of grain shall desire to receive such grain back from the warehouseman, he shall make a tender of payment in full of all reasonable charges allowable under the provisions of this act, and thereupon the warehouseman shall make full delivery

without unreasonable delay, and shall receive back the storage receipt or receipts issued for such grain, which shall be marked or stamped "cancelled."

Sec. 12. The books, papers and all other written or printed matter kept by or for a public warehouseman in the prosecution of his business (except such as are of a private nature), shall be open for the inspection of the public during reasonable business hours, and shall be accessible to any and all persons who shall make a reasonable demand for examination of the same; *Provided*, that no such books, papers, written or printed matter shall be removed from the office of the warehouseman, except on the order of a court of competent jurisdiction and for judicial proceedings; *Provided, further*, that all books, papers, written or printed matter that are used for the purpose of registering the weight, grade, dockage, price, etc., of any grain and which is the memorandum upon which the purchase, storage, handling, shipping, or other transaction is based by the warehouseman in his dealings with any person or persons in the prosecution of his business shall not be deemed private.

Sec. 13. All persons, firms, companies or corporations who are declared to be public warehousemen under the provisions of this act shall permit at any and all times the examination of scales, grain testers and other appliances or tools used to determine the weight, grade or dockage in the prosecution of their business, when such examination is demanded by any person having authority under the laws of this State to supervise, regulate or in any manner control or direct the manner in which a public warehouseman shall conduct his business, or a public warehouse or elevator be conducted.

Sec. 14. At the time of filing notice of intention to engage in the business of a public warehouseman, the person or persons, firm, company, or corporation shall likewise procure a license for the prosecution of such business, which license shall be issued by the county auditor of the respective counties, and a fee of one dollar per thousand bushels of elevator capacity shall be collected for the same and turned into the county treasury for the benefit of the general fund.

Sec. 15. The Commissioners of Railroads of the State of North Dakota are hereby declared to have and possess all needed authority to supervise and take charge of any and all matters provided for in this act except as hereinbefore specially provided for.

Sec. 16. Section 15 of this act shall not be construed to give authority to the Commissioners of Railroads to take charge of and conduct any elevator or warehouse in the capacity of warehousemen, but shall be construed to give authority to correct abuses, direct the putting in of new scales, testers or other tools or appliances which are used for the purpose of weighing, grading or docking grain where those already provided and in use shall

be found defective or unsafe. And, further, Section 15 shall be construed to give the Commissioners of Railroads mandatory power to carry out the provisions of this act.

SEC. 17. The states attorney of each county shall prosecute all violations of this act, and such prosecution shall run in the name of the State of North Dakota, except such violations as are wholly of a civil character.

SEC. 18. Nothing in this act shall be construed to prevent any person or persons from shipping their own grain, or any other grain that may be purchased by them independently of any elevator or warehouse or other building kept for that purpose without having first procured a license and filed a bond as provided in this act.

SEC. 19. Pooling on prices or the amount of grain to be purchased by each warehouseman at any point or points, or the pooling of profits or losses, or pooling in any other manner which shall interfere with the free and unrestricted trade and traffic in any and all kinds of grain is hereby prohibited.

SEC. 20. Any person or persons, firm, company or corporation who shall knowingly violate any of the provisions of this act or who shall aid or assist in such violations shall be fined in a sum of not less than \$50 nor more than \$1,000; *Provided*, that when the amount of damages caused by such violation can be ascertained to a certainty such fine shall be double the amount of such damage, to a sum not exceeding \$1,000; *Provided, further*, that any fine which shall be assessed under this act shall constitute a lien against the elevator or warehouse, and any or all grain or property belonging to the warehouseman and used in the prosecution of his business, until such fine shall have been fully paid.

SEC. 21. Any person may make complaint against any person or persons, firm, company or corporation operating under this act, and may maintain in action the same; but if the court shall certify in his own handwriting after hearing the action that the prosecution was malicious, then the costs shall be taxed to and payable by the plaintiff in a civil case and by the complaining witness in an action of a criminal character.

SEC. 22. No public elevator or warehouse shall charge more than two cents per bushel for receiving, elevating, insuring, delivering and thirty days' storage, and for storing and insuring for each additional thirty days or part thereof not to exceed one-half cent per bushel. All persons, firms, or corporations operating elevators or warehouses shall be responsible to any owner of grain held by them for any and all damage thereto caused by their negligence or want of proper care.

SEC. 23. Grain stored in any public warehouse and remaining in store at the time the same becomes taxable, shall be taxed to the owner thereof, and every person, persons, company or corporation having the same in store shall make a proper exhibit of such

grain, specifying the amount each person holds, the name, and if possible, the place of residence of such person, and the amount, kind and quality of such grain, which exhibit shall be used by the assessor of place or locality for the purpose of assessment.

SEC. 24. The fees of the register of deeds for filing notice of intention as provided in this act shall be 25 cents; for approving, acknowledging and filing bond the sum of one dollar.

SEC. 25. All the acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved March 8, 1890.

TO REGULATE WAREHOUSES, INSPECTION OF GRAIN, ETC.

[Chapter 188, Session Laws, 1890.]

[Sections 1, 2, 3, 4 and 6 of this Chapter are repealed by Chapter 126, Session Laws, 1891.]

An Act to Regulate Warehouses, Inspection, Weighing and Handling of Grain
Be it Enacted by the Legislative Assembly of the State of North Dakota:

SEC. 5. It shall be the duty of every public warehouseman to receive for storage any grain, dry and in a suitable condition for warehousing, that may be tendered to him in the usual manner in which such warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities. Such grain in all cases to be inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade. And in no case shall grain of a different grade be mixed together while in store, but if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners, which bin shall thereupon be marked and known as a special bin. If a warehouse receipt be issued for grain so kept separate, it shall state on its face that it is in a special bin, and shall state the number of such bin and all grain delivered by a duly authorized inspector of grain. Nothing in this section shall be construed so as to require the receipt of any kind of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in cases where such warehouse is necessarily closed. The charges for inspection, upon receipt and delivery shall be paid by the warehouseman and may be added to the charge of the storage. The Chief Inspector may recover such charges of the warehouseman by an appropriate action in his name.

SEC. 7. Upon the delivery of grain from store upon any receipt, such receipt shall be plainly marked across its face the word "cancelled" with the name of the person cancelling the same, and

shall thereafter be void, and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No warehouse receipt shall be issued, except upon actual delivery of grain into store in the warehouse from which it purports to be issued and which is to be represented by the receipts. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Nor shall more than one receipt be issued for the same lot of grain, except in cases where receipt for a part of a lot is desired, and then the aggregate receipt for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original, and shall state on the face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered, shall be cancelled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from the store, and the new receipts shall express on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and the numbers of the original receipts shall also appear upon the new ones, issued as explanatory of the change, but no consolidation of receipts of dates differing more than ten days shall be permitted. And all new receipts issued for old ones, cancelled as herein provided, shall bear the same date as those originally issued as near as may be.

SEC. 8. No warehouseman in the State shall insert in any receipt issued by him any language in anywise limiting or modifying his liabilities or responsibility as imposed by the laws of this State.

SEC. 9. On the return of any warehouse receipt by him, properly endorsed and the tender of all proper charges upon the property represented by it, such property shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery shall have been made, and the property represented by such receipt shall be delivered within twenty-four (24) hours after such demand shall have been made, and the cars or vessels for the same shall have been furnished. The warehouseman in default shall be liable to the owner of such receipt for damages for such default in the sum of one (1) cent per bushel, and in addition thereto one (1) cent per bushel for each and every day of such neglect or refusal to deliver; *Provided*, no warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

SEC. 10. It shall be the duty of every owner, lessee and manager of every public warehouse in this State to furnish in writing, under oath, at such time as the Commissioners of Railroads shall require and prescribe, a statement concerning the condition and management of the business as such warehouseman.

SEC. 11. The warehouseman of every public warehouse located at Grand Forks, Fargo, Wahpeton and Fairmount shall, on or before Tuesday morning of each week, cause to be made out, and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the bookkeeper thereof having personal knowledge of the facts, to the Warehouse Registrar appointed as hereinafter provided. They shall also be required to furnish daily to the said Registrar a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day, also the amount of each kind and grade of grain delivered or shipped by such warehouseman during the previous day, and what warehouse receipts have been cancelled, upon which the grain has been delivered on such day, giving the number of each receipt and amount, kind and grade of grain, received and shipped upon each, also how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them, the aggregate of such reported cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered or shipped. They shall also at the same time report what receipts if any, have been cancelled and new ones issued in their stead as herein provided for, and the warehouseman making such statements shall in addition furnish the said Registrar any further information regarding receipts issued or cancelled, that may be necessary to enable him to keep a full and correct record of all receipts issued and cancelled, and of grain received and delivered.

SEC. 12. It is hereby made the duty of the secretary of the Commissioners of Railroads to act as Registrar in accordance with the spirit and intent of Section eleven (11) of this act.

SEC. 13. Every warehouseman of public warehouses located at Grand Forks, Fargo, Wahpeton and Fairmount shall be required during the first week in September of each year to publish in one or more of the newspapers (daily if there be such) published in the city or village in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be in-

creased during the year, and such published rates or any published reduction of them shall apply to all grain received into such warehouse from any person or source, and no discrimination as to rates shall be made directly or indirectly by such warehouseman for the storage of grain. The maximum charge for storage, insuring and handling of grain, including the cost of receiving and delivering shall be for the first fifteen days or part thereof, one and one-half cents per bushel, and for each fifteen days or part thereof, after the first fifteen days, one-half cent per bushel, and for continuous storage between the 15th day of November and 15th day of May following, not more than 4 cents per bushel.

SEC. 14. It shall not be lawful for any public warehouseman to mix any grain of different grades together or to select different qualities of the same grade for the purpose of storing or delivering the same, nor shall he attempt to deliver grain of one grade for another, or in any way tamper with grain while in his possession or custody, with a view of securing any profit to himself or any other person, and in no case, even of grain stored in a separate bin, shall he be permitted to mix grain of different grades together while in store. He may, however, on request of the owner of any grain stored in a private bin, be permitted to dry, clean, or otherwise improve the condition or value of any such lot of grain; but in such case it shall only be delivered as such separate lot, or as the grade it was originally inspected when received by him, without reference to the grade it may be as improved by such process of drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from moving grain within his warehouse for its preservation or safekeeping.

SEC. 15. All persons owning property, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such property shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this State, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants for an examination, and all parts of the public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property. And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster, or sealer of weights and measures, at any time when required by any person or persons, agent or agents whose property has been or is to be weighed on such scales. The expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test until the same shall have been pronounced correct

and properly sealed, shall be liable to be proceeded against as hereinbefore provided.

SEC. 16. The Commissioners of Railroads shall appoint in all cities where there is a state inspection of grain a state weighmaster and such assistants as shall be necessary.

SEC. 17. Said state weighmaster and assistants shall, at the places aforesaid, supervise and have exclusive control of the weighing of grain and other property which may be subject to inspection; and the inspection of scales and the action and certificate of such weighmaster and assistants in the discharge of their aforesaid duties shall be conclusive upon all parties in interest.

SEC. 18. The Commissioners of Railroads shall fix the fees to be paid for the weighing of grain or other property, which fees shall be paid by the warehouseman and may be added to the charges for storage.

SEC. 19. Said state weighmaster and assistants shall not be a member of any board of trade or association of any like character; they shall give bonds in the sum of \$5,000, conditioned for the faithful discharge of their duties, and shall receive such compensation as the Commissioners of Railroads shall determine.

SEC. 20. The Commissioners of Railroads shall adopt such rules and regulations for the weighing of grain and other property as they shall deem proper.

SEC. 21. In case any person, warehouse or railroad corporation or any of their agents or employes shall refuse or prevent the aforesaid state weighmaster or either of his assistants from having access to their scales in the regular performance of their duties in supervising the weighing of any grain or other property in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred (100) dollars for each offense, to be recovered in an action of debt before any justice of the peace, in the name of the State of North Dakota, such penalty or forfeiture to be paid to the State treasurer for the benefit of the grain inspection fund, and shall also be required to pay all costs of prosecution.

SEC. 22. It shall be the duty of the Commissioners of Railroads to appoint a suitable person as Chief Inspector of Grain in the State of North Dakota, who shall hold his office for the term of two (2) years, unless sooner removed by said Commissioners of Railroads, who shall, before entering upon the duties of his office take an oath of office, as in case of other State officers, and shall execute a bond to the state of North Dakota in the penal sum of \$10,000, with good and sufficient sureties, to be approved by the Commissioners of Railroads, conditioned that he will faithfully and impartially discharge the duties of the office of Chief Inspector according to law and the rules and regulations of said Commissioners of Railroads and that he will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid.

SEC. 23. Said Chief Inspector shall appoint, subject to the approval of the Commissioners of Railroads, such number of deputy inspectors as may be required. One of which deputies in each of the cities of Grand Forks, Fargo, Wahpeton and Fairmount shall be denominated and styled chief deputy.

SEC. 24. Such deputy inspector shall take a like oath of office to that required from the Chief Inspector, and shall give a bond to the State of North Dakota in the penal sum of \$5,000, with such good and sufficient securities as may be approved by the Commissioners of Railroads and conditioned in like manner as the Commissioners of Railroads require from the Chief Inspector.

SEC. 25. The bonds given by the Chief Inspector and deputy inspectors shall be filed in the office of the secretary of State for the State of North Dakota, and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, for the use of the person or persons so injured.

SEC. 26. The Chief Inspector shall have power to remove any of the deputy inspectors at pleasure, and said deputy inspectors shall act under the immediate control and supervision of said Chief Inspector.

SEC. 27. The Chief Inspector of Grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided by the Commissioners of Railroads, and the said Commissioners shall have power to fix the rate of charges for inspection of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will in the judgment of said Commissioners produce sufficient revenue to meet the necessary expenses of the inspection service, and no more. Said Commissioners of Railroads shall fix the amount of compensation to be paid to the Chief Inspector and deputy inspectors, and prescribe the time and manner of payment thereof; which compensation shall be paid out of the grain inspection fund, hereinafter created, on the order of the Commissioners of Railroads.

SEC. 28. No Chief Inspector or deputy inspector of grain shall, during his term of service, be interested, directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain, nor shall he be in the employment of any person or corporation interested in the handling, storing, shipping, purchasing or selling of grain.

SEC. 29. Upon complaint in writing of any person to the Commissioners of Railroads, supported by reasonable and satisfactory proof, that the Chief Inspector or any of his deputies have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said Commissioners of Railroads immediately removed from office.

SEC. 30. Any person who shall assume to act as an inspector of grain, who has not first been so appointed and sworn, shall be held to be an impostor, and shall be punished by a fine of not less than fifty (50) dollars, no more than one hundred (100) dollars, for each and every attempt to so inspect grain, to be recovered before a justice of the peace in an action of debt in the name of the State of North Dakota for the use of any person choosing to sue.

SEC. 31. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, or shall be imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

SEC. 32. The charge for the inspection and weighing of grain shall be and constitute a lien on grain so inspected, and whenever such grain is in transit the said charges shall be treated as advance charges, to be paid by the common carrier in whose possession the same is at the time of inspection.

SEC. 33. The decision of the Chief Inspector or any of the deputy inspectors as to the grade of grain shall be final and binding on all parties, unless an appeal is taken from such decision as hereinafter provided.

SEC. 34. In case any owner, consignee or shipper of grain, or any warehouse manager shall be aggrieved by the decision of the Chief Inspector or any of his deputies an appeal may be had to the Commissioners of Railroads, and a decision of a majority of such Commissioners shall be final, and the Commissioners of Railroads are authorized to make all necessary rules governing such appeal; *Provided*, that the party appealing shall pay to the chief inspector a sum not to exceed five (5) dollars per case before said case be entertained, which sum shall be refunded in case such case is sustained.

SEC. 35. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have been consigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice—the grain

in railroad cars to be removed therefrom by such owner or consignee within twenty-four (24) hours after such notice has been given to the railroad company having it in possession; *Provided*, such railroad company placing the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the owner or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

SEC. 36. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee.

SEC. 37. The Commissioners of Railroads shall before the 15th day of September in each year establish a grade for all kinds of grain bought or handled by any public warehouse in the State, which shall be known as "North Dakota" grades, and the grades so established shall be published in some daily newspaper in each of the three places of Grand Forks, Fargo and Wahpeton, each day, for the space of one week.

SEC. 38. It shall be the duty of the Chief Inspector of Grain to furnish any elevator or warehouse in this State standard samples of grain as established by the official inspection, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such sample.

SEC. 39. It will be the duty of the Commissioners of Railroads to assume and exercise a constant supervision over the grain interests of this State, to supervise the handling, inspection, weighing and storage of grain, to establish all necessary rules and regulations for the weighing, grading, inspection and appeal on inspection of grain, and for the management of the public warehouses of the State as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law of this State in regard to the same, to investigate all complaints of fraud or oppression in the grain trade and to correct the same as far as may be in their power.

SEC. 40. The aforesaid rules and regulations not being contrary to the provisions of law, shall be published by said Commissioners of Railroads in a daily paper in Grand Forks, Fargo, Wahpeton and Fairmount, and shall be in force and effect until

they shall be changed or abrogated by said Commissioners in a like public manner.

SEC. 41. All moneys collected by state grain inspectors, weighmasters and other officers, as herein provided for, shall by them be paid into the State treasury.

SEC. 42. It shall be the duty of the treasurer of the State of North Dakota to receive all moneys aforesaid, and all fines and penalties collected by virtue of this act, and to keep a separate account of the same, and to pay the same on the order of the Commissioners of Railroads and not otherwise.

SEC. 43. The attorney general of the State of North Dakota shall be ex-officio attorney for the Commissioners of Railroads, and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said Commissioners of Railroads may deem expedient and proper to institute, and he shall render to such Commissioners of Railroads all counsel, advice and assistance necessary to carry out the provisions of this act, according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for the violation of any of the provisions of this act, it shall be the duty of the county attorney of the county in which such prosecution is brought, to prosecute the same to a final issue.

SEC. 44. Nothing in this act shall be so construed as to prevent any person from selling grain by sample regardless of grade.

SEC. 46. All acts and parts of acts, general or special, conflicting with this act are hereby repealed.

SEC. 47. The sum of five hundred (500) dollars, or as much thereof as is necessary to carry out the provisions of this act, is hereby appropriated out of any money in the State treasury not otherwise appropriated.

SEC. 48. But the provisions of this act shall not change the liabilities of warehousemen on grain now in store, nor the inspection thereof; but said inspection shall be had under the same system which it was received into store.

SEC. 49. This act shall take effect and be in force after the expiration of sixty (60) days after its passage.

Approved March 31, 1890.

REGULATING GRAIN WAREHOUSES, HANDLING OF GRAIN, ETC.

(Chapter 126, Session Laws 1891.)

An Act to Regulate Grain Warehouses and the Weighing and Handling of Grain, and Defining the Duties of the Railroad Commissioners in Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. POWERS.] That the duties imposed by the provisions of this act and the powers conferred therein devolve upon the Board of Railroad Commissioners.

SEC. 2. TO SUPERVISE THE HANDLING, WEIGHING AND STORAGE OF GRAIN.] That it shall be the duty of the Railroad Commissioners of the State of North Dakota to supervise the handling, weighing and storage of grain and seeds; to establish all necessary rules and regulations for the weighing of grain and for the management of the public warehouses of the State, as far as such rules and regulations may be necessary to enforce the provisions of this act, or any law in this State in regard to same; to investigate all complaints of fraud or oppression in the grain trade of this State, and correct the same as far as it may be in their power.

SEC. 3. PRINTING AND PUBLISHING RULES.] The rules and regulations so established shall be printed and published by said Railroad Commissioners in such manner as to give the greatest publicity thereto, and the same shall be in force and effect until they shall have been changed or abrogated by said Commissioners in a like public manner.

SEC. 4. PUBLIC WAREHOUSES DEFINED.] All buildings, elevators or warehouses in this State, erected and operated or which may hereafter be erected and operated by any person or persons, association, co-partnership, corporation or trust for the purpose of buying, selling, storing, shipping or handling grain for profit, are hereby declared public warehouses, and the person or persons, associations co-partnership or trust owning or operating said building or buildings, elevator or elevators, warehouse or warehouses which are now or may hereafter be located or doing business within this State, as above described, whether said owners or operators reside within this State or not, are public warehousemen within the meaning of this act, and none of the provisions of this act shall be construed so as to permit discrimination with reference to the buying, receiving and handling of grain of standard grades, or in regard to parties offering such grain for sale, storage or handling at such public warehouses, while the same are in operation.

SEC. 5. BOND.] That the proprietor, lessee or manager of any public warehouse or elevator of this State shall file with the Railroad Commissioners of the State a bond to the State of North Dakota, with good and sufficient sureties, to be approved by said Commissioners of Railroads, in the penal sum of not less than \$5,000, nor more than \$75,000, in the discretion of said Commissioners, conditioned for the faithful performance of duty as public warehousemen and a compliance with all the laws of this State in relation thereto. One bond only need be given for any line or lines of elevators or warehouses owned, controlled or operated by one individual, firm, corporation or trust; said bond specifying the location of each elevator or warehouse operated by said individual, firm, corporation or trust and be in sufficient amount, at the discretion of the Commissioners aforesaid, to protect holders of outstanding tickets.

SEC. 6. WAREHOUSE RECEIPTS, WHAT TO CONTAIN.] All owners of such elevators and warehouses shall, upon the request of any person delivering grain at such warehouse, give a warehouse receipt therefor, subject to the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain and shall state upon its face the quantity and grade fixed upon the same. All warehouse receipts issued for grain received shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No warehouse receipt shall be issued except upon actual delivery of grain into such warehouse. No such warehouseman shall insert in any warehouse receipt issued by him any language in anywise limiting or modifying his liability as imposed by the laws of this State.

SEC. 7. WHAT STORAGE RECEIPTS SHALL EXPRESS.] Any storage receipt issued within the boundaries of this State shall provide by express agreement that at the option of the original holder of such receipt the kind, quality and quantity of grain for which such receipt was issued shall be delivered back to him at the same place where it was received, upon the payment of a reasonable charge per bushel for receiving, handling, storing and insurance charges, such charges to be fixed by express terms in the storage receipt at the time of receiving the grain at the elevator or warehouse, and at the time of issuing the receipt; *Provided*, that no charges shall be made for cleaning grain unless such grain has been actually cleaned; *Provided, further*, nothing in this section shall be construed to mean the delivery of the identical grain specified in the receipt so presented; but an equal amount of the same grade, excepting in case of wheat placed in special bin.

SEC. 8. BAILMENT NOT A SALE—INSOLVENCY.] Whenever any grain shall be delivered to any person, association, firm, corporation or trust, doing a grain, warehouse or grain elevator business in this State, and the receipts issued therefor, providing for the delivery of a like amount and grade to the holder thereof in return, such delivery shall be a bailment, and not a sale of the grain so delivered; and in no case shall the grain so stored be liable to seizure upon process of any court in action against such bailee, except actions by owners of such warehouse receipts to enforce the terms of the same, but such grain shall at any and all times, in the event of the failure or insolvency of such bailee, be first applied exclusively to the redemption of outstanding warehouse receipts for grain so stored with such bailee. And in such event grain on hand in any particular elevator or warehouse shall first be applied to the redemption and satisfaction of receipts issued from such warehouse.

SEC. 9. LARCENY—PUNISHMENT.] Every person and every member of any association, firm, trust or corporation doing a grain warehouse or grain elevator business in this State, who shall

after demand, tender and offer as provided in Section 8 of this act, wilfully neglect or refuse to deliver, as provided by said Section 8, to the person making such demand, the full amount of grain of the grade or market value thereof which such person is entitled to demand of such bailee, shall be deemed guilty of larceny and shall, on conviction thereof, be punished by a fine or imprisonment or both, as is prescribed by law for the punishment of larceny.

SEC. 10. ATTORNEY GENERAL—STATES ATTORNEY.] The attorney general of the State shall be ex-officio attorney for the Railroad Commissioners, and shall give them such counsel and advice as they may from time to time require, and he shall institute and prosecute any and all suits which said Railroad Commissioners may deem expedient and proper to institute, and he shall render to such Railroad Commissioners all counsel, advice and assistance necessary to carry out the provisions of this act or any law which said Commissioners are required to enforce according to the true intent and meaning thereof. In all criminal prosecutions against a warehouseman for a violation of any of the provisions of this act, it shall be the duty of the states attorney of the county in which such prosecution is brought to prosecute the same to a final issue.

SEC. 11. RATES TO BE ESTABLISHED AND MAINTAINED.] The charges for storing and hauling [handling] grain shall not be greater than the following schedule: For receiving, elevating, insuring, delivering and twenty days' storage, two (2) cents per bushel. Storage rates after the first twenty days, one-half ($\frac{1}{2}$) cent for each fifteen days or fraction thereof, and shall not exceed five (5) cents for six months. The grain shall be kept insured at the expense of the warehousemen for the benefit of the owner.

SEC. 12. PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.] That any person, association, firm, trust or corporation, or any representative thereof, who shall knowingly cheat or falsely weigh any wheat or other agricultural products, or who shall violate the provisions of any section of this act, or shall do or perform any act or thing therein forbidden, or who shall fail to do and keep the requirements as herein provided, shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be subjected to a fine not less than \$200 nor more than \$1,000, and be liable in addition thereto to imprisonment for not more than one year in the State penitentiary, at the discretion of the court.

SEC. 13. REPEAL.] Chapter 130, passed by the Seventeenth Legislative Assembly of the Territory of Dakota, approved March, 1887, and Chapter 187 and Chapter 138 of the Laws of 1890, and Chapter 62, passed by the Eighteenth Legislative Assembly of the Territory of Dakota, approved March 8, 1889, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 14. EMERGENCY.] That whereas, an emergency exists in that there is at present no code of intelligible warehouse laws upon the statute books of North Dakota, therefore this law shall be in force and effect from and after its passage and approval.

Approved March 7, 1891.

TO PREVENT AND PROVIDE AGAINST DAMAGE BY PRAIRIE FIRES.

[Chapter 93, Session Laws 1891]

An Act for the Prevention of Prairie Fires and to Provide Against Damage Done by Them; Also Prescribing Duties of County Commissioners in Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

[SECTIONS 1 to 10 (inclusive) of this chapter are omitted, as they have no bearing on the subject matter of this report.]

SEC. 11. It is hereby made the duty of every railroad company within this State that is operated by steam power as soon as possible in each year to burn or otherwise destroy all grass, weeds or other combustible matter upon the right of way of such railroad company.

SEC. 12. Every person or corporation who shall wilfully, negligently or carelessly set on fire, or cause to be set on fire any woods, hay, weeds or prairie grass shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than \$500 or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court, and shall also be liable to any person or persons or corporation damaged by such fire to the amount of such damage.

SEC. 13. All acts or parts of acts in any manner in conflict with the provisions of this act are hereby repealed.

SEC. 14. There being no adequate remedy against prairie fires, and the necessity for taking legal action long before July 1 creates an emergency, therefore, this bill shall become a law from and after its passage and approval.

Approved March 9, 1891.

AMENDING LAW IN RELATION TO LONG AND SHORT HAUL.

(Chapter 95, Session Laws 1891.)

An Act to Amend Section 6, of Chapter 122, of the General Laws of 1890, Entitled "An Act to Regulate Common Carriers and Defining Common Carriers and Defining the Duties of the Commissioners of Railroads in Relation Thereto in the State of North Dakota," and to Re-enact the Same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That Section 6, of Chapter 122, of the General Laws of 1890, entitled "An act to regulate common carriers," be and the same is hereby amended to read as follows:

SEC. 6. That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation on the aggregate for the transportation of passengers or like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, within the terms of this act, to charge and receive as great compensation for a shorter as for a longer distance; *Provided, however*, that upon application to the Commissioners of Railroads, such common carrier may, in special cases, after investigation by the Commissioners of Railroads, be authorized to charge less for a longer than for shorter distances of transportation of passengers or property; and the Commissioners of Railroads may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Approved March 20, 1891.

REGULATING SHIPMENT OF LIVE STOCK AND GRAIN.

(Chapter 97, Session Laws 1891.)

An Act to Amend Section 2, Chapter 124, of the General Laws of 1890, Entitled "An Act Relating to the Shipment of Live Stock and Grain."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That Section 2, Chapter 124, of the General Laws of 1890, entitled "An act relating to the shipment of live stock and grain," be amended so as to read as follows:

SEC. 2. Whenever any shipper shall order one or more cars from any railroad company for the transportation of stock or grain, he shall have the right and privilege to put in said car or cars two or more species of live stock or different kinds of grain, and no railroad company or railroad agent shall charge for any car in which is shipped two or more species of live stock, any greater prices than are charged when only one species of said stock is shipped therein. Nor shall said railroad agent or railroad company charge any greater sum when two or more kinds of grain are shipped in any car, than is charged when only one kind of grain which is in said car is shipped; *Provided*, that said different species of stock or kinds of grain which are placed in said car or cars, do not exceed the maximum limit of pounds allowed by law and by the railroad company when only one species of live stock or one kind of grain is shipped in said car or cars; *Provided, further*, that when more than one kind of stock or grain shall be shipped in the same car, the highest rate may be the rate of freight to be charged; *And be it further provided*, that every railroad company doing business within the State

of North Dakota, shall within ninety days from and after the taking effect of this act, provide and put in place at or near every intersection or junction of any of their branch lines of road, with any of their main lines of road within said State, suitable scales or weighing apparatus for the weighing of grain and other commodities in carload lots, and shall be obliged to weigh every carload lot loaded and shipped from this State when required by the shipper, and every shipper of one kind of grain shall pay a fee of fifty cents for weighing each car, which charge shall follow the car and be collected at its destination, shall receive from the agent in charge at any of said railroad company's intersections or injunctions, a certificate, showing the weight of any such carload or carloads of grain or other commodities so weighed for them, and also the number of pounds or bushels of grain contained in each of said carload lots, which said certificate when presented to the proper agent of any said railroad companies at the point of destination, shall entitle the owner or legal holder thereof to receive the same number of pounds or bushels of said grain so shipped. Said railroad company or companies to be liable for and to make good any loss which may occur between point of shipment and destination. Any points of difference occurring between said shippers and said railroad company or companies in regard to any of said losses shall be referred to and determined by the Commissioners of Railroads of said State of North Dakota under the rules and provisions of the laws in such cases made and provided.

[Sec. 2.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 20, 1891.

REGULATION OF COMMON CARRIERS.

(Chapter 96, Session Laws 1891.)

An Act to Amend Subdivisions "e," "f" and "g," of Section 8 of Chapter 122, of the Laws of 1890, Pertaining to the Regulation of Common Carriers.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. Subdivisions "e," "f" and "g" of Section 8 of Chapter 122, of the laws of 1890, are hereby amended so as to read as follows:

(e) That in case the Commissioners shall at any time find that any part of the tariffs of rates, fares, charges or classifications so filed and published as hereinbefore provided, are in any respect unequal or unreasonable, they shall have the power and are hereby authorized and directed to compel any common carrier to change the same and adopt such rate, fare, charge or classification as said Commissioners shall declare to be equal and reasonable; *Provided, however,* that before said Commissioners shall finally fix and declare such rate, fare, charge or classification, it shall be

the duty of the Commissioners of Railroads to serve a written notice by delivering a true copy thereof upon any agent of the railroad company within this State, setting forth in such notice that at a certain time and place they will proceed to fix and determine such rate, fare, charge or classification; and they shall at such time and place and as soon as practicable afford to any person, firm, corporation or common carrier, who may desire it an opportunity to make an explanation or showing or to furnish information to said Commissioners on the subject of determining and fixing such rate, fare, charge or classification; *Provided, further*, that the said Board [of] Commissioners of Railroads shall not make or declare any order for any purpose without first giving notice to all parties interested as provided in this subdivision.

(f) After the hearing provided for by subdivision "e" of this section the Commissioners of Railroads shall make its order finally fixing and declaring such rate, fare, charge or classification and shall immediately serve or cause to be served upon every person, firm, corporation or common carrier affected thereby, a copy of such order; in case such common carrier shall neglect or refuse for ten days after the service of such order to substitute such tariff of rates, fares and charges or classifications, or to adopt the same as fixed and declared by the Commission, it shall be the duty of said Commission to immediately publish such tariff of rates, fares, charges or classifications as they have ordered and declared to be equal and reasonable in one or more newspapers published in the county or counties through or into which the road or line may run, upon which the charges so fixed and declared by the Commission are to take effect, and to post a copy thereof in every railroad depot in the State. The newspapers in which such publication shall be made (subject to the above condition that they shall be published in the county or counties through or into which such road or line of roads may run), and the duration of time which such notice shall be published shall be in the discretion of the Commission; but the tariff of rates, fares, charges or classification fixed and declared by the Commission shall be in full force and effect from and after the expiration of ten days from the service upon such common carrier of the order provided in this subdivision without regard to the publication authorized by this subdivision; and after the expiration of ten days from the service of such order upon such common carrier it shall be unlawful for such common carrier to charge a higher or lower rate, fare, charge or classification than that fixed by said Commission; such order shall be *prima facie* evidence of the equality and reasonableness of the rate, fare, charge or classification fixed and declared thereby.

(g) If any common carrier, subject to the provisions of this act, shall neglect or refuse to publish or file its schedule of classifications, rates, fares or charges or any part thereof as provided in

this section, or if any common carrier shall refuse or neglect to comply with such order made and served by such Commissioners, such common carrier shall be subject to a writ of mandamus, to be issued by any judge of the supreme court, or of any of the district courts of this State upon application of the Commissioners to compel compliance with the requirements of this section, and with the order of the Commissioners, and failure to comply with the requirements of the writ of mandamus shall be punishable as and for contempt, and the Commissioners, as complainants, may also apply to any such judge for a writ of injunction against such common carrier from receiving or transporting property or passengers within this State until such common carrier shall have complied with the requirements of this section and the order of said Commissioners, and for any willful violation or failure to comply with such requirements or such order or orders of said Commissioners, the court may award such costs, including counsel fees, by way of penalty, on the return of said writs and after due deliberation thereon, as may be just.

SEC. 2. The fact that there is no law requiring the notice and hearing provided by this act, and the fact that without such provision of law the Commissioners of Railroads will be hindered and delayed in the performance of their duties, create an emergency, therefore this act shall take effect and be in force immediately on its passage and approval.

Approved March 20, 1891.

CANCELLATION OF CERTAIN ILLEGAL RAILROAD TAXES.

(Chapter 103, Session Laws 1891.)

An Act Entitled "An Act Providing for the Cancellation of Certain Illegal Taxes on Railroad Grant Lands Upon Which the United States Survey Fees Had Not Been Paid, and Describing the Manner in Which it Shall Be Done."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That it shall be the duty of the board of county commissioners of any county, the city council of any incorporated city, the village trustees of any incorporated village, in the State of North Dakota, whenever it shall be made to appear to them by the duly verified petition or affidavit of the owner or owners of any lands, lots or parcels, or of any duly authorized agent or attorney, acting for and on behalf of such owner or owners, that said lands, lots or parcels are within railroad grant lands, and that the United States survey fees on the same had not been paid prior to the passage and approval of an act passed by the United States Congress entitled "An act to provide for taxation of railroad grant lands and for other purposes," approved

July 10, 1886, accompanied by the certificate of the register or receiver of the United States land office in which land district said property is situated, certifying that said lands, lots and parcels are within the railroad grant lands, and that the United States survey fees had not been paid thereon prior to July 10, 1886, to at once pass a resolution, which shall be spread on the minutes of said board, city council or village, as the case may be, to the effect that said tax so assessed on the lands, lots and parcels for the year or years, as set forth in the petition or affidavit and described therein, be and the same is ordered cancelled or satisfied; but the said board shall have no power under this act to cancel any taxes for years subsequent to 1886, and thereupon it shall be the duty of the county auditor or county clerk, city clerk or clerk of the village, as the case may be, to forthwith transmit to the respective treasurers of said county, city or village a certified copy of said resolution and order, and the said treasurer shall thereupon at once make an entry upon the records in their respective offices cancelling said tax, together with the tax certificates, if any, held by said county, city or village; *Provided*, that the board of county commissioners, the city council and the village trustees shall have no power or authority under this act to cancel or satisfy any taxes for any year or years on any lands, lots and parcels on which there are any outstanding certificates of sale held by any person or corporation other than the county, city and village, unless the same shall have been first redeemed or paid by the said county, city and village; *Provided, further*, that nothing in this act shall authorize any person or corporation, who has paid into the treasury of any county, city or village any taxes on railroad grant lands covered by the provisions of this act, to recover back the said taxes so paid.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 9, 1891.

TO PREVENT THE SPREAD OF CONTAGIOUS AND INFECTIOUS DISEASES.

[Chapter 125, Session Laws 1891.]

An Act to Prevent the Spread of Contagious and Infectious Diseases Among Domestic Animals.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

[Sections 1 to 16 (inclusive) of this chapter are omitted, as they have no bearing on the subject matter of this report.]

SEC. 17. No railroad company shall transport any cattle, horses, mules, asses, sheep or other domestic animals into this State, to be unloaded temporarily or consigned to any point within

this State, without a certificate of health of such animals from a duly authorized state veterinarian or examiner from the state from which said animals have been shipped, nor shall any such animals be shipped out of the State without such certificate of health; *Provided, however*, that said veterinarian, surgeon or his deputy shall issue such certificate of health without charge when such animals are shipped out of the State. Any violation of this section shall be deemed a misdemeanor and punished by a fine of not less than \$50 nor more than \$5,000.

SEC. 18. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 19. EMERGENCY.] Whereas, an emergency exists in that the existing law is defective and inadequate to enable the State veterinarian to properly discharge the duties of his office, prior to July 1, 1891; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.

ERRATA—On page 58, in box head under "Comparative General Balance Sheet," read "Assets" instead of "Liabilities."

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